G R S App F IX 4]

Previous References

1948 - 49 (Ml)

File No 10-48

Serial Nos 178, 179

Later References P 17'.

GENERAL AND REVENUE SECRETARIAT

Serial Nos 7

Part B for June '49

SUBJECT

Arrears of taxes due to the Bangalore City Municipality by the M & S M Railways

To
The Mi Comr, Bangalore City
" Comptroller to Govt

G O No L 14495-6/D 17-6-49
Sanctions the resolution of the Mi Ci

Serial No

92

Letter No Spl Rev To 404/37-38 dated 12-3-38 from the Municipal Commissioner Bangalore city requesting that Hon'ble the Resident may be addressed in the matter of payment of taxes by the M & S M. Railway Company in respect of the Company's buildings in Bangalore city.

The facts of the case have been set forth in detail by the Municipal Commissioner, Bangalore city

2 In accordance with the award passed by the Hon'ble the Resident in December 1905, the M S & M Railway Company was directed to pay a sum of Rs 1,980 per annum to the Bangalore city Municipality for a period of 10 years from 1-7-1904 on account of house, water lighting and conservancy taxes in respect of the Company's buildings in Bangalore city

3 A further sum of Rs 321-4-10 was also ordered to be paid by the Company in respect of the buildings newly constructed - The above arrangement was continued for a further period of 5 years from 1-7-1914.

16 P

12 X

—Contn Sheet.

WD 0281—GPB—30 000—13 8 37

4) After the expiry of the above period, no fresh award was passed by the Hon'ble the Resident either for the continuance or the revision of the arrangements previously ordered But the M & S M Railway Company has been paying the taxes demanded by the Municipal authorities which were enhanced from time to time as & when new buildings were constructed or the existing buildings were extended

5 But from the year 1935-36, the M & S M Railway Company has refused to pay the ~~special~~ general Sanitary cess at 2% on their buildings and lands on the ground that they are not liable to pay the same under the Resident's award

6 During the recent revision of assessment on buildings and lands in the Bangalore city Municipality, the Municipal authorities enhanced the taxes in respect of certain buildings belonging to the Company and it is stated that the Company has refused to pay the enhanced taxes also

Amounts due to the Municipality by the
4371 M-S-M Ry Co 2

General and Revenue Secretariat — File No 73 of 1937-38 [App F III—2

Serial No

7) In the above circumstances, the Municipal Commissioners requests that the Hon'ble the Resident may be addressed in the matter

8) Draft letter is submitted for consideration.

2/13/1-

Rmm 23/3 for Secy (L & V S)

45-
24 3 38

9) Please see another letter (Police) same time ago - probably from the Chief Secretary - on the same Connection in reply to a letter from the Residency, forwarding the cases for forward by the Agent, M&S Ry & wants given in any in connection with the alleged - letter from the M & S Ry reply already sent - by this Court to the Residency

Rmm 26 3 38
2/13/1-

10) The letter recently issued to the Residency is put up (Vide letter No Pol 450 dated 18-10-37 flag J) It deals with the charges payable by the M & S M. Ry Company for supply of water to their buildings by the Water Supply Department. But

Contn Sheet

WD 0281—GPB—30 000—13 8 37

4321

2nd File No 73 of 1937-38 General and Revenue Secretariat

present reference is in respect of the payment of house tax and other taxes to the Bangalore city Municipality by the Company

11) Submitted for orders with reference to para 9 supra

Rmr 26/3 Hiry (✓S)

2/26/3/-

12) For perusal by the Hon'ble the

Rmr 26 3 38

2/26/3/-

II member)

13) nil 29/3/38

Rmr 29/3

14) 2nd 2/29/3/-

The Secy to the Hon'ble the Resident

No Pol 1096 dated 31-3-38

Requests that the Agent, M & S M. Ry Co may be addressed to pay the amount due to the Bangalore city Mcly-

13) Submitted with a reminder for appl

16) Rmr 2/29/3/-

Memo No Pol 7 dated 1/2 Jul 1938

P. S. Hill 1/5/38

CrFI SECOND MEMBER Cr COUNCIL 26 MAR 1938 No 7184

SECY LOCAL SELF GOVT 26 MAR 1938 GOVT OF MYSORE

29 MAR 1938 CIVIL & REV SECTT

31/3 ✓ Sm B 1/5/38

TYPIST SECTT * 23 JUNE 1938 CIVIL & REV SECTT

4371 V 542
L

5

General and Revenue Secretariat — Mc — File No 73 of 1937 — [App F III-2

Serial No	
	From The Secy to the Resident No R Dis D 404-38/R o II-D 257-38 Forwards a copy of letter received from the Agent and General Manager, M & S M Ry. Co, and requests that as the circumstances explained by the Agent the Mil Commr, Bangalore Cfg may be asked to withdraw the claim for the Payment of General sanitary Cess. (1) The details are fully explained in the P & D (2) Submd for orders if a copy of the letter may be sent to the Mil Commr Bcfg, for remarks 2/29/11 Leiry 1 V 39 (9) Yes 1-8-38 2/11 (3) Submd with a draft letter for appl. 1/8/38 JRR (4) Issue 2/11
172	To the Mil Commr, Bcfg, thro Dos No L 6205 D 6-8-38 Calls for his remarks on the letter of the Agent M & S M Ry Co, Madras

Sus A 14/8

NOTE—Contn Sheet

6

542/2010
L

mc File No 73 of 1937

General and Revenue Secretariat

Serial No

SECOND MEETING
27 OCT 1938
No 315-6

From the Md Commr Rcds, thro PDs
No ope Rev-To 404/37 Dt 15-10-38
States that in the circumstances
stated there the M&SM Rly Co may be
requested to pay the amount of the
general Sanitary cess that is outstanding
Subd for perusal

12) If appd, a copy of the letter of the Md Commr
will be sent to the Agent & General
Manager, M&SM Rly Co Madras for making
necessary adjustment thro the Revenue

20/10 for Secy & JS) 2/21/37

13) Clean fair typ d/ letter to Secy

for 21.10.37 2/21/37

14) Subd with a draft letter for appl

20/10 for Secy & JS) 2/21/37

15) Clean fair typed draft

for 25.10.37 2/25/37

16) Subd with a typed draft as instructed

26/10 for Secy & JS 2/26/37

17) For perusal before the

for 28.10.37 2/27/37

II member)

SECY LOCAL SELF GOVT
26 OCT 1938
GOVT OF MADRAS

Payment of taxes due by the M. & M. Ry Co to the Municipality

2010
L

(7)

General and Revenue Secretariat — File No 73 of 1937 — [App F III—2

Serial No

98) The owners letter and the proposed draft do not meet the point raised by the Agent and Gen Manager of the M & M Ry The liability of the Ry as an owner arises under the award not under the Municipal Act Even taxes levied under the Act do not ipso facto apply to Ry properties which are not within the jurisdiction of the Municipality or for that matter, of the State either The remand has, I think, to be withdrawn

27/10/38

99) Please put up file wherein it has been held that the power to tax is now from the Award owners' row and not from the award you Recondn

27.10.38

Noted

30) The connected file is put up

31) Kind reference is invited to para 2 of letter No Pol 450 Dy 18 10 37 addressed to the Secy to the Hon'ble the Resident in Mysore on the subject

Sd/- for Secy to Govt

3/11/-

32 ? member)

3 11 38

3/11/-

Q. K(K)

"A"

GOVT OF MYSORE — DEPT OF SELF GOVT — 31 1938

SECOND NOTICE — 4 NOV 1938 — No 3529

NOTE—Contn Sheet

Payment of taxes due by the Mysore Ry Co to the Municipality

c)

File No 73 of 193

General and Revenue Secretariat

33) Please ask the Ry Secrett to put up the file relating to the liability of the Mysore State Ry to municipal taxation Also copies of Notns issued by the Govt of India under the Ry Act

New
5/11/35

OF I
SECOND M
9 NOV 1938
No 365

34) Railway Secretariat
W/C

5/11/35

2/11/-

RAILWAY SECTT
No 24 ORS 33
Date 7-11-38

35 Railway Secretariat papers referred to in para 33 are submitted with references duly flagged

Subd
8/11 8/11

Ry Secy

L S G Secy
with compts

7/11/35

FJL

7/11/35

8/11/35

36 8/11

8/11/38

37) 9/11/35

2/9/11/-

11 members)

38) The question may be examined further in the light of these papers — also the Notns governing the levy of taxes on the Mysore State Ry

New
11/11/38

11/11/35

2/11/11

30177/38 Payment of taxes due by the M & S.M Ry Coy to the Municipality

Railway Secretariat (M) File No 2010 / 73 F of 1938-39

Serial No 39) The file will, if approved, be referred to the Law Section for favour of opinion, with reference to para 38 supra

(Law Section) 2/12/11

Law 12.11.38

168 Law 14/11

40) I am afraid the Municipal Council cannot, as of right, claim the payment of the General Sanitary Cess from the M & S.M Railway Administration The Mysore Government having ceded to the British Government full territorial jurisdiction over the lands occupied by the Bangalore-Harihar, Bangalore-Hindupur Railways including the Bangalore Railway Station; the Railway buildings in the city Station are not liable to taxation under the City Municipal Act or any other law of Mysore State This question prominently came up for consideration in 1904 in connection with the Bangalore City Municipal Council's claim for house, lighting, water and conservancy taxes from the M & S M Railway It was then decided that the remuneration for services rendered to the Railways by the Municipality should be/be settled by agreement between the Railway Company and the Municipal Council As there were some differences regarding the amount, the Hon'ble the Resident kindly acted as arbitrator and

NOTE — Contn Sheet

WD 1220—GPB—8 000—4 2 38

(c)

settled the amount which he considered as a fair return to the Municipal Council for the services rendered This was in 1905 Later on, Government of India also issued a notification dated 28th August 1911 under Section 135 of the Indian Railways Act, 1810, declaring that the S & S Railway shall be liable to pay to the Bangalore City Municipality, house, lighting, water and conservancy taxes The covering letter, with which a copy of the said notification was sent to the Agent, S & S I Railway, States that the notification was intended only to bring matters up-to-date in so far as taxes which were paid at that time were in question and that further taxation proposed to be levied from time to time would be dealt with in each case on its merits under Section 135 of the Indian Railways Act *

(11) It may be observed that under Section 135 (2) of the Indian Railways Act, a Railway Administration is liable to pay only the tax mentioned in the Notification The General Sanitary Cess sought to be levied now is not one of the taxes mentioned in the Notification of 1911 It follows therefore that the liability of the S & S M Railway Administration to pay the said tax can arise either by virtue of contract or by virtue of a further notification by the General Controlling

*(See Printed collection Section III - Pages 16 and 17)

Serial No

Authority under Section 135 of the Indian Railways Act in the absence of an amendment of Sec 135, But the legality of the latter course, seems to be open to doubt when a similar question arose in respect of a claim by the Davangere Municipality, the Railway Board expressed as follows -

"The Board also point out that the Indian Railways Act 1890 does not apply proprio vigore to the Railway lands in Indian States except where sovereignty as well as jurisdiction have been ceded over those lands In Mysore only jurisdiction has been ceded and in the lands in Mysore occupied by the Harihar-Bangalore Section of the Madras and Southern Mahratta Railway, the Indian Railway Act has been applied in pursuance of the provisions of the Indian (Foreign) Jurisdiction Order in Council 1902, with the modifications stated in the Notification of the Foreign and Political Department No 784-1 B dated the 9th April 1913 The modification declared by the Notification do not extend to the substitution of a special definition of local authority for the one contained in Section 135 of the Indian Railways Act 1890, and consequently "Local Authority" in that section as applied means a local authority as defined in the General Clauses Act, 1897, and this does not include a local authority set up in the Indian State by the Ruler of that State Therefore so long as no

NOTE—Contn Sheet

WD 0344—GPB—30 000—2 9 83

3017-
-P

File No of 193 | General and Revenue Secretariat

modification of the meaning of local authority is enacted by the Governor-General in Council the provisions of Section 135 of the Indian Railways Act, 1890, when applied to railway lands in Indian States will be inoperative "

(See Proms Collections Section III - Page 27)

(2) The legal position as stated above by the Railway Board was accepted as correct by this Government, and in their letter of 21st March 1923 this Government requested the Hon'ble the Resident that Government of India may be moved to issue a special definition of the term 'Local Authority' for the purpose of Section 135 of the Indian Railways Act, 1890, in pursuance of the provisions of the Indian Foreign Jurisdiction Order in Council 1902, so as to include in that term "local authorities" set up under the laws in force in the Mysore State" But unfortunately, the Government of India preferred to postpone the consideration of the proposal put forward by this Government, and I do not think the question has since been taken up for consideration

- 55 - Page 29.

(3) The position therefore seems to be that the 'general sanitary cess' can only be claimed from the M & S M Railway Administration by means of negotiation and agreement on the basis of remuneration for services rendered

BKR
21-12-38

Asst Secy)

(1) The Mysore Municipalities Act does not extend to Railway lands jurisdiction over which has

Serial No

been ceded to the Govt of India & the city Municpl Comnt claim the taxes as of right

(c) The claim of the city Municipality against the M & S M Ry was settled on the basis of an agreement and the Resident was chosen as arbitrator by both parties to fix the amount He fixed Rs 1980 p a as a "fair return to the Municipal Commission for the services rendered" Then the Govt of India issued a notification under Sec 135 of the Indian Ry Act declaring the M & S M Ry liable to pay "House, lighting, water & Conservancy taxes" in aid of the funds of the Bangalore city Municipality" This notification was issued to place matters on a legal basis

(b) The position whether it is legal for the Govt of India to issue a notification under Sec 135 with reference to a local authority in a State has been ~~doubted~~ doubted in connection with the claim of the Bangalore Municipality But in view of the fact that the Notfn of 1911 has been issued by the Govt of India namely the Bangalore city Municipality, this may be taken to have the force of law as the Govt of India makes laws for Ry lands by notifications Ceded

WD 0044—GPB—30 000—2 9 38

Copy of Govt order to M S H Rly Co dtd 14 Dec 1938 regd
3017

File No of 193 | | General and Revenue Secretariat

At any rate it may be left to the Govt of India to say that this notification is not legal

If the Rly has to pay Conservancy tax if the general sanitary cess comes under the term Conservancy tax, a claim may be made otherwise the Govt of India will have to be requested to issue a notification to add general sanitary cess to this notification

Ce
21/12/38
BKR
22/12

Ser L S G.)

If literally "conservancy tax" referred to under item 39 of 1911 is the same as General Sanitary cess which is not claimed this may be dropped as suggested by the Addl Secy

22 12 38

2/24/12-

1) Office letter issued for approval
50) Sec
24/12-

To the Dist Comr, Bangalore City
L S 280 dt 23 12 38
Calls for the information

Ce
23 12 38

197

SECY TO GOVT OF MYSORE
22 DEC 1938
GOVT OF MYSORE

Taxes due by the M & S.D Rly co to Mysore
2010 4274
I
Govt of Mys

(15

Central and Revenue Secretariat ML | File No 73 of 1937 | [App I III—2

Serial No

198 From the ML Commr, Bcifr.
No Rv spl 404/38 dt 16-2-39.
States that the general sanitary cess is the same as the term conservancy cess
51) Submd with reference to Para 48 supra
2/21/2/-
Secy & J.S)

52) The claim is incomplete and inadmissible Please
put up draft letter explaining the situation
22/2
2/22/4-

53) Submitted with a draft letter for approval
2/28/3/-
Secy & J.S)

54) Typed copy may be put up for
perusal and approval typewriter type copy
28/3
2/28/3/-

55) Typed draft letter is submitted for approval
2/31/3/-
Secy & J.S)

3/3

56) [illegible]
57) [illegible] 31/3

GOVT LOCAL SELF GOVT
28 FEB 1939
GOVT OF MYSORE

TYPING SECTION
30 MAR 1939
9173

OFFICE OF THE
NOTE Contd Sheet
30 MAR 1939
9173

TYPING SECTION

WDC 0544—G1B—30 000—2-9 83

13) Payment of taxes due by the 07-3-17 ag cg
4274 / 6825 to Shencottah ryt.

File No 73 of 1937

General and Revenue Secretariat

To The Secy to the Honble the Resident.
No Dol 1223 Dy 3-4-39
Requests him to move the Agent as
Ag Manager M & S M Ry Co to arrange
for the early adjustment of the dues
to the Poreiga mchy
To the Mk Commr, Dofg. thro Post
No L 8024 Dy 4.4.39
Forwards a copy of the above.

J
Secy
5/4

58) A deaft reminder is submitted

for
15 6 39

59) Mk 15/6/39 Joint Dol 1541 Dy 21-6-39

P 15

INFL & SEC
DEC 1939
REV SECT

From The Secy to the Honble the Resident
No Revs F 404-38/ G & A Dy 21-6-39.
States that, in the circumstances explained,
the claim of the Poreiga mchy for the Payment
of the cess is neither legally admissible nor
justifiable & that the mchy may be asked
to withdraw the claim

60) Submitted for perusal & orders.

Mk 26/6
Initd 5/7/39

61) The Secretary to the Government to the Madura
in Mysore in his Order dated 21 6 1939, invites
attention to the Secretary Order dated 7th October 1932
wherein it was stated that so long as the modification
of the meaning of local authority in enacting by

Payment of taxes due by the N.S.D.Ry
Coy to the Municipality

6845 (17)

General and Revenue Secretariat — File No 73 of 193 7-38 — [App F III-2

Serial No	
	The Governor General in Council, the provisions of Section 135 of the Indian Railways Act 1890 when applied to Railway lands in Indian States will be inoperative, and as such, the Claim made for General Sanitary Cess cannot be based under the Govt of India Notification dated 24th August 1911 but the above mentioned correspondence between the Residency letter dated 29th January 1929 it is submitted that the Claim of the Municipality for the payment of the General Sanitary Cess from the N.S. Railway Administration may perhaps have to be claimed by means of negotiation in the circumstances, if it is not to be advised that the Claim be withdrawn
Flag D	
Flag E	
	(Draw Entry) 2 10/7/-
193/197	
	62) Are any services rendered by the Municipality to the Railway for claiming Sanitary Cess.
	63) To be ascertained from the Distt Collector may be moved up 2 12/7/-
	64) Send with a draft letter for approval
	65) Seen 2 11/7/-
	For To the Secretary Commerce Department, New Delhi 780 L702 By 18-7-39
	Enquires whether any services have been rendered by the civil authorities to the Railway Department for claiming Sanitary Cess

NOTE—Continued on Sheet

Payment of taxes due by the M & SM Rly Co to the Municipal

12)

6825 / 948

ml File No 73 of 193 | General and Revenue Secretariat.

Serial No

From The ml Commr, Bdge, thro the Dist.
No A4-169/39-40 Dt 10-8-39
States that the mlcy is not rendering any Sanry service to the Rly Deptt except in respect of the Rest House of the Rly Deptt situated on the Sahadri Road

66) The ml Commr has again stated that the levy of general Sanry cess is for the Construction and maintenance of Public latrines and for the removal & disposal of refuse and not for Specific Conservancy or scavenging services rendered to the Rly Deptt by the mlcy

67) Subd with reference to para 62 supra

14/8 PRR

(Law Secy)

2 14/11

68) Is it open to the Mysore Govt paying general Sanitary cess to the Municipality after the transference of the Station to the Mysore Govt?

CA 15/8 2 16/11

69) Subd with a draft letter for approval

16/8 YRR

70) Done 2 16/11

Secy

SECY LAW DEPT 15 AUG 1939 GOVT OF MYSORE

TYPING SE

Serial No

37

To The Mil Commnr, Bcy, thro the Pds
No L 1935 Dy 17-8-39
Requests him to ascertain & state
whether the Mysore Railways are paying
general Sanys cess to the Mlg after the
transference of the City Ry Station
to the Mysore Railways

Dms A 21/8

From The Mil Commnr, Bcy, thro the Pds
No A4 169/39-40 Dy 8-9-39
states that the Mysore Railways have paid
Rs 7300/- as general Sanys cess on 30-6-39
after deducting 2/3rds of the lighting tax
as per Go No R S 426 43 Rev F 809 38 39 Dy
8 8 1938

"G"

71) Invd with reference to para 68
1249 72) A copy of the Go referred to in the
letter is also put up (Flag "G")
Law Secy) 13 2/12/41.

73) Please examine & put up a note
& also draft letter to Resdency if necessary

4/12/41.

From The Mil Commnr, Bcy, thro Pds
No A4 169/39-40 Dy 14-6-40
Requests early orders in the matter

LEGY LAW DEPT 12 SEP 1939 MYSORE

NOTE—Contn Sheet

WD 01105—GPB 50 000—23 10 41

7741 g 39 ✓ 1200

ML File No 73 of 1939 | General and Secretariat | Serial No

Sent with a draft letter for appl as directed

VKB 30/2 Rg 3/

76) D Steel
8/12/42

To the ML Commr. Bezp. thro Rly
No L68 68 Dy 5/2/42
Requests that the exact amount
due under several items from
the company up to the end of June 41
may be intimated

From the ML Commr. Bezp.
No A4 169/39-40 Dy 20-8-42
States that a sum of Rs 4278-8-10
is due towards General Sanyces
& taxes by the M&SM Ry Co. as
noted in the letter

Sent A
Rec'd

Pt Pl
30/8

Pointed for orders
-18 It is stated in the
letter of the Agent Head Manager
M.S.M. Ry Coy 2H Madras No H 2090/IV
dated 4.7.1938 to the Hon'ble the Resident
Resident in Mysore That the following
taxes have been paid by the Coy to the
Bluecastle Municipality -

1935-36 - Rs 7253/11/10
1936-37 - 7088/0/10 less tax on Rockside Hall Landwork to the Mysore State Railways
1937-38 (Rock Hall) Rs 3543/-5

If so, what do the taxes refer to for 1935-36, 36-37, 37-38
- in the ML Commrs letter represented?

J 200 — V 4193 — L — J 1961 (21

General and Revenue Secretariat — ML — File No 73 of 1937 — 12 Ds — [App F III-2

Serial No	
	"Are the arrears still due ? Why not claimed previously ? to. Why ?
	80 Hours it that the amount of General Family claim has become reduced during the years 1937-38 to 1941-42 ? pl enquire.
	for 12/9/42
81	Sent with a draft letter for appl Ulb 15/9/42
	82 This is a pending case The above enquiries is necessary Draft ready for the issue of the appl
	Law Secy ? - for 15/9/42
	16-9-42
83	Issue for 16/9/42
	To the ML Commr, Bclr, thro [illegible] No L 3243 dt 22-9-42
Issued Cs 24/9	Calls for some additional information
	From the ML Commr, Bclr, thro [illegible] No A4 169/39-40 dt 7-1-43
"A1"	84 Submitted Furnishes the information called for Kind reference is invited to the Revenue Officer's letter furnishing the information Ulb 19/1
	85 Pl issue up for 19/1/43
	19/1 1911

NOTE—Cont Sheet

SECY LAW DEPT 3004 GOVT OF MYSORE

WD 041 —GPB—55 000— 3-10-41

7961/L

File No. of 194

General and Revenue Secretariat

Serial No

From the Municipal Commr Bllre
No A4-169/39 d 31-5-45
Requests early orders in regard to
recovery of certain taxes from the M.S.M
Railway Company
2. The connected file is sent up
with reference is requested to para 6/-
of the Notes Supra wherein suggestions
are made for starting negotiations for
the recovery of the Municipal Sanitary cess
from the M.S.M Ry Company unless
the claim is ordered to be withdrawn
3. It is reported that a greater portion
of the Railway Buildings were handed
to the Mysore State Railways with
effect from 1-1-38, from whom the
Sanitary cess is being claimed by the
City Municipality
4) What are the Kinds of Revenue taxes arrear which are
due from the Railways for the Bllre
City Mlty as on 30 6 45? Are there
any disputes with regard to the same? If so
what are they to be paid by the M.S.M Coy or the Municipality?
5) A draft letter is submitted herewith.

30/6

91) Jayaraya
To the Ml Commr Bllre 3/7 Mly
L42 d 5-7-45
Calls for the information

TYPING SECTION
2 1 MAR 1946
GEN. & REV SECTT

TYPING SECTT
1945
SECTT

8865 of 1941

From the Municipal Commissioner Bangalore City
A & C-169/39-40 dated 4-6-46
Furnishes the required information

92) The details of taxes due from the M & S M Railway and Mysore State Railway as on 30-6-45, are noted below —

M & S M Railway Company

	Rs
General Sanitary cess from 1935-36 to 44-45	3866-12-6
Taxes due for the years from 1935-36 to 1937-38	475-0-0
Education cess due — 1941-42 to 44-45	19-14-0
Total Rs	4361-10-6

Mysore State Railways

	Rs
1/3 lighting tax due from 1937-38 (II half) to 1944-45	3819-6-0
Taxes due on buildings under protest —	1536-3-0
——— do ——— for 1941-42 to 1944-45 = (under protest)	58-6-0
Total Rs	5433-15-0

7461 - 45-6

93) Reference is invited to para 61 of the Notes Supra, wherein suggestions are made to start negotiations for the recovery of the Municipal Sanitary cess, from the M+S-M Railway Company, unless the claim is ordered to be withdrawn

1716 94) Please enquire of the authorities of the M-S-M Ry Coy if the recent enquiries have been addressed & by them in regard to the payment of the Cess in question & if so, what facts in support replies have been received from them otherwise they may be addressed in the matter.

95) A draft Note is accordingly put up

96) Issue

The bill item is duly £ 145-29 d 26-6-46 Calls for further enquiry

TYPING SECTION
24 JUNE 1946
GEN. & REG. SECTT

Taxes due to by the M & S M Ry Co to Manchester -
285

From the Minutes

Ag-C 16 q d 12-7-47

States that the question of taxes due from the M & S M Railway Company is under correspondence and that action is being taken by Messrs Wilson to dispose

97) The receipt of further report from the Messrs Wilson will be awaited

98 Jr personal

Secretary 18/7/47

99) This matter is pending from the year 1938 - The municipal Commissioner may be asked to bring the matters to final disposal without further delay & to ~~[illegible]~~ Board his promised report at least within a fortnight

100) Sealed with a chapter

Secretary 22/7/47

TYPING SECTION
26 JULY 1947

285
L

To The Municipal Commissioner

1727 dt 29-7-47

Calls for early report

From the Municipal Commissioner Bangalore city

A4-c 169/39-40 dated 11-9-47

States that a sum of Rs 4507-14-4 is due as arrears of tax from the M & S M Railway Company and Mysore State Railway to the Bangalore city Municipality and requests early orders

In During March, 1938 the Municipal Commissioner Bangalore city brought to the notice of government that certain taxes due to the city Municipality by the M & S. M Railway Company in respect of their buildings in Bangalore city have not been paid and requested the

Government to issue necessary instructions to the concerned Railway Authorities to pay the amounts due to the Municipality

102 A reference was accordingly made through the Residency to the Agent and General Manager Madras and Southern Mahratta Railway Company for the early adjustment of the dues, i.e. (General Scavenging cess) ~~for~~

103 After much correspondence, the M & S M Railway Authorities have conceded the claim and in May 43 the letter no 7404-38/Gen A dated 21-6-1939 - received from the Residency, it is stated as follows -

In the circumstances it appears to the

Hon'ble the President that the claim of the

Flag IV) Municipality for the payment of the cess

is neither legally admissible ~~or~~ nor justifiable on

facts The Municipal Commissioner, Barcelore

city may therefore be requested to withdraw

the claim"

(24) Reference is invited to the letter dated

Flag V 10-8-1938 from the Municipal Commr

Barcelore city stating that the Municipality is

not rendering any Sanitary service to the

Railway Deptt except in respect of the

rest house of the Railway Department

situated on the Seshadri Road

1.5 A greater portion of the Railway

buildings were handed over to the

Mysore State Railways with effect from 1-1-1938, from whom the Sanitary Cess is being ~~collected~~ claimed by the City Municipality

106 It is reported that a sum of Rs 45074-4-4 is due from the M+S M Railway Company from the year 1935-36 to 1946-47

107) The Municipal Town has, locally, early orders, as the arrears are outstanding for the last twelve years and as the Municipality proposes to file a suit for the recovery of the amount

108) Reference is invited to para 61 of the Notes, supra, wherein suggestions are made to start negotiations for the recovery of the municipal Sanitary Cess, from the

2855 1551
M

M & S M Railway Company unless the claim is ordered to be withdrawn

Log For view of the reply received from the Agent, Residency in their letter dated 21-6-1939 this does not seem to be a fit case for the Municipality to file a suit

II) The Law Section will be consulted, as to whether the Municipality may be advised to withdraw the claim

24/9 B2 25-9-47

III) Before taking action as above, it is necessary to have a few more particulars relating to the case pl

issue the draft of a letter to the Rly Manager at Madura for 30-9-47
please call for meeting on 1-10-47
Somasundaram for 27/9/47

To the Addl Collector, Ro
9/9/47 dt 30-9-47

IV Record
Ch 30/9 for 30/9/47

H37 The M & N Railway have to pay a total arrears of Rs 4507/14/- to the Shoranur Municipality on account of the General Tax - & Education Cess for the years 1935-36 to 1946-47 The details thereof are furnished in the statement attached to the Secretary's letter dated 26/8/47

Flag S The Secretary to the M.L. Council, Shoranur

1147 The Company have been protesting against the claim on the ground that they are not deriving any direct benefit from the Municipality - especially in the matter of Conservancy. Correspondence has been carried on with the Secretary in this behalf

Flag E The latest letter addressed to the Secretary to the Council is dated 26/8/47 wherein it is stated that there can be no question of sums due or said to be due from Railway Company to the Shoranur Municipality being recovered

155/nd

[672] Law

as Taxation as the basis for payment by the Railway Company for the services rendered to it. On this basis, the Company has demurred to the payment

Mag 'A'

The respondent then moved to strike out the defence as frivolous and vexatious and the matter duly came on for hearing

Mag 'I'

on the claim 115) whether, as stated by the Respondent, the provisions of Sec 131 of the Indian Railways Act 1890 became inoperative when applied to Railway lands in India or whether the opinion of the Land Owner must be obtained

Railway 2/xi

116) for purposes of Taxation

Law Secy W/C

4/10/47

(117) The point for consideration is whether the claims of the Municipality for sums due as taxes from the B & B I Ry Co is tenable under Sec 135 of the Indian Railways Act

118 It will be seen from the correspondence and the notes (covering a period of 40 years) that the whole claim was based on agreement and award by the Resident which was later on not continued after the period mentioned in the award, (dated). It will be seen that the award restricted itself to house, lighting and water and conservancy taxes. To put it on a statutory basis, a notification was issued by the Government of India under Sec 135 of the Indian Railways Act (vide Notification No 230 dated 24th August 1911)

119 Considering the whole question from a strictly legal point of view, it has to be observed that the Indian Railways Act 1890 does not apply to the Railway lands in Indian States except when sovereignty as well as jurisdiction in matter have been handed over those lands. Kind reference to the opinion as expressed at para 40 supra ~~is invited~~ It is clear that the Railway administration is liable to pay taxes mentioned in the Notification issued under Sec 13 of the Indian Railways Act (vide pages 16-17 of the Printed Collections) But the modifications declared by the Notification do not extend to the substitution of a special definition of 'local authority', for the one contained in the Sec 135 of the Act, and consequently 'local authority' in that section as applied means a local authority as defined in the General Clauses Act, 1897 which does not include a 'local authority' set up in an Indian State so strictly speaking so long as no modification of the meaning of local authority is enacted, the provisions of Sec 135 when applied to Railway lands in Indian States

1551/mt

1672/Law

Trans. by M.S.M.R.C. & A'Cm. Rly

will be inoperative It is not clear why the modification alluded to was not or has not been urged till now, though it was pointed out as early as 1922 But it is seen that the Company continued to pay the taxes till 1937 on the basis of the services rendered to it In the circumstances, the best recourse would be to resort to negotiation It is not clear why no action was taken even though the Company made clear its intention finally in 1939 The Company cannot, in fairness, refuse payment for services rendered even though they are not strictly enforceable. (The matters might have altered after retrocession) The Railway Secretariat may, in consultation with the Administrative Secretariat, pursue the matter

16 OCT 1947

(2) The Advocate-General may also be consulted

11 A

for 16/10

Law Secy)

(2) SK

21/10

Asst. Secy L & G WCE)

Proj. to

25/X/47

(2) A - may become

necessary

25/X/47

123 forwarded W/C to the Advocate General to the Govt. of Madras, Bangalore for favour of opinion very early

10.123

28.10.47

25-10-47

26.10

27/10 (47)

for Secretary

Revenue Secretary

Serial No

Not transmitted

(24) I agree with the opinions expressed in paras 40-43 and of the Asst Law Secy and have nothing useful to add. I would suggest that negotiations may be opened again and payment urged for 'Services rendered and accepted'

AS 26/11/47

(25) As suggested in para 118 Subject the file will be sent to Railway Secretariat for further disposal

28/11

(26) Secy for Reqts W/C

1/12/47

NOTE—Contn Sheet

P.T.O.

File No of 194

General and Revenue
Secretariat

Serial No

Subj - Arrears of taxes due to Bangalore City Municipality from N S R Railway Company

N S R Railway

Reference [illegible] C 169/39-40

Letter dated 9 9 47

To Mr Gundaldy.
A S G Branch

---

127 The above file was sent to the Railway Secy on 15-1-48 (Dy No 1551/41)

128 The stage at which the Question stands will have to be ascertained

Mr 22/1/48

129) For favour of intimating the stage in which the question stands at present & reasons for the receipt of the above Interim orders are required & otherwise the cases will become time barred & any acts of relation for them necessary under become precluded by the consequent delay

Railway Secy

22/1/48

ed at 3.15 p m
Asst
23/1/48

1st Submitted with the main file received in this Branch on 4-12-47 The question is one pending for nearly 10 years It relates to the payment of taxes due to the Bangalore city Municipality by the M & S M Railway from the year 1935-36 to 1946-47. The entire history of the case has been enumerated in detail in paras 101 to 109 and 113 to 125 supra It has been held that negotiations may be opened with the M & S M Ry for payment for "services" rendered by the Municipality No action seems to have been taken in this direction but the file has been referred to the Railway Secty to examine the position ~~with regard to~~ It is not clear on what point the opinion of the Ry Secty is needed The file may therefore be returned to the Municipal Branch for further action

23/1/48

(3) Papers have presumably referred to Ry Secy to take action indicated last sentence

Arrears of taxes due to Bangalore city 4371/L
Municipality from M S M Ry Co, 2283 Ry

General and Revenue Secretariat | File No | of 194 | [App F III-2

Serial No

of para 11a supra No action has yet been taken and papers may be returned to the Ry Bd after final conclusion legal action, which is said to be just becoming time barred, is not going to be taken

132) The Municipality would appear to be answers for legal action and a decision on this point or other orders regarding further action seems essentially a matter for the Municipal Bd

133) As pointed out in paras 117 to 124 negotiation seems a better course but it is obviously impossible to foretell what the result of this would be

Asst Secy R S G
W/C

KPC
26/1/48

27/1/48

134) A draft reply to the Municipal Commissioner Bangalore city based on the opinion of the Law Secy and the Advocate General is put up 135) for approval

Revised

28/1/48 136) As per section 135 (4) of the Indian Railways Act - negotiation appears to be best course for persuasion before issue

137) C Secy & Secy

3/2/48

TELEGRAPH OFFICE
No 1030
Date 5-2-1948

NOTE—Contn Sheet.

Arrears of tax due to Bangalore as
Municipality from the of 194 Rys & M of Egypt

File No

General and Revenue Secretariat

Serial No

138) Issue advice
7/2/48

To The Mn Govt
Bangr

1334 T d 11-2-48

Govt may kindly advise what action may be
taken to open negotiations

TYPING SECTION
10 FEB 1948

Secy B
2
P

139) Letter No A4C 634/48-49 dated the 3rd May 1949 from the Municipal Commissioner, Bangalore City, requesting sanction of Govt to the resolution of the Municipal Council dated the 18th April 1949 to waive half sanitary cess CC Rs 1982-5-3 and the entire conservancy cess of Rs 51-7-6 due as arrears from the M & SR Ry and enclosing a copy of the resolution referred to —

139) Submitted for orders. The

General and Revenue Secretariat

File No. M L 8518 } Arrears of taxes due to the Municipality from the

of 194 M Hgh Rly

FORM E III-2

Serial No

resolution of the Municipal Council dated 18-4-49 is stated to have been based on the Government order No 330 L A of the 25th February 1948 containing the formula as accepted by the Government of India and the Madras Govt in these matters Hence submitted with reference to paras 134 to 137 supra

1007 23/57 Gs

Pr 13-5-49 (40) Mrs file relates to the payment of the arrears of (1) general sanitary cess due by the M & S M Railway for the share of MLF amounting to Rs 3965/6 for the years 1935-36 to 1947-48 and (2) Education cess of Rs 57/7/6 for 41-42 to 47-48

It is reported that the general Manager, M & S.M Railway has agreed to pay half the Sanitary cess repd to above, based on the formula as accepted

NOTE—Contn Sheet

41 8575/L 63/6/1

File No of 194

General and Revenue Secretariat

Serial No

by the Madras Govt — & the Govt of India regarding the levy of this cess it is stated that they are not willing to pay the education cess — either arrears or current

141) We have all along agreed to this proposal (vide letter dated 10.4.48 (May 4) and sanction is sought to waive half the Sanitary cess & Rs 1982-83 and education cess upto 31-7-48 This might be approved as by so doing this long standing question of over eleven years would get resolved

A - is for orders

Sd/- 26/5/49

The collection of the municipal Council to waive half the Sanitary cess and half the Education Cess may be approved

Sd/- 26/5/49

Minister City Municipality

Approved

Sd/- 27/5/49

Dft for approval

Sd/- 13/6/49

Sd/- 15/6/49

SECRETARY TO GOVT OF INDIA
No
Date 27/5
GENERAL SERVICES

THE MINISTER FOR CITY MUNICIPALITIES
No 5430
Date 28/5/49

SECRETARY TO GOVT OF INDIA
No
Date
GENERAL SERVICES

8518/m

42

Arrears of taxes due to the B'lore C.G. ven
-ted by the M & S M Railways

Dept. to put up for approval

Secy
16/6/49
Dr 16-6-49

Joshi 16/6/49

G.O. No. L 4495-6/ml 10-48-179
D/17 6 49

Sanctions the Resolution

To 1) The Pl. Secretary, Blore etc.
2) " Comptroller to Govt

B. 25/6/49

4371
L

BANGALORE CITY MUNICIPALITY.

Ref. 73-37-92

Spl Rev To No 404. 37 38

GOVT OF MYSORE 1941

MUNICIPAL OFFICES

Bangalore, 12-3- 1938

From S.Narayana Rao, Esq., M.A.,(Hons).,

MUNICIPAL COMMISSIONER

Bangalore City

To

P.H.Krishna Rao, Esq., M.A.,

Secretary to the Government of

His Highness the Maharaja of Mysore

L.S.G.Department, Bangalore

Sir,

I have the honour to state that the M & S M Railway Co , have been paying taxes to this Municipality on their buildings at Bangalore City which lies within the jurisdiction of the British - Government, under the authority of an award passed by the Hon'ble the British Resident in his proceedings No. 7166 dated 4th December 1905 and communicated to this office through Government order No. 6326-7 Ml. 151-05-14 dated 15-12-05.

2. As per the said award a sum of Rs. 1980 per annum was payable to the Municipality on account of house, water, lighting and special conservancy work as per details noted in the margin, for a period of 10 years from 1st July 1904, in addition to separate charges payable for the use of water in excess of 9,00,000 gallons per quarter chargeable at Rs 0-12-0 per 1000 gallons. Under the Chief Secretary's letter dated 18-9-1915, a further sum of Rs. 321-4-10 was payable from 1st July 1914 for a period of five years on account of buildings newly constructed

Rs. 900/- for water and lighting service.
Rs. 900/- in lieu of House tax.
Rs. 180/- for special conservancy work.
Rs. 1980/-

The above agreement has not been renewed till now. The

The Company however continued to pay till 1934-35 without demur, the taxes demanded by the Municipality which comprised house, water and lighting taxes only, although they were enhanced from time to time for reasons such as constructions of new buildings, extensions of old ones etc., . The demand on 1st July 1919 was Rs. 4319-9-2, and at the end of June 1922 it was Rs. 4591-10-10. The increase is ascertained to be due to additions and alterations to the buildings. During the last general revision which took place in the year 1929-30 the amount of taxes was raised from Rs. 5527-11-0 to Rs.6345-13-7 and in the year 1930-31 the amount was further raised to Rs. 7390-1-2 on account of the construction of additional buildings. In the year 1935-36, it was still further raised to Rs. 7679-13-7 for the same reason. No objection was raised on the said occasions

4. As per Government order No.L. 4211-18/M1. 60-33-140 dated 5th December 1934, general sanitary cess at 2% on the rental value n houses, shops and vacant lands was levied with effect from 935-36 except on those which had already been assessed to Special anitary cess at 2%. As no Special sanitary cess had hitherto een levied on the Railway Company's buildings, the said cess was levied on them from 1-7-1935. The Company have withheld payment of the said cess on the ground that they are not liable to pay the same under the said British Residents award.

5. During the general revision of assessment in the Bangalore City recently the taxes (including sanitary cess) on 67 of the Railway Company's buildings out of a total number of 157 were raised from Rs. 5858-3-6 to Rs. 6560-8-10, as the former were found to be low when compared with those existing on similar other Railway buildings in the Company's yard, the revised taxes being based on the rental values of buildings calculated at 6% of their capital cost which was furnished by the Company. The Company withheld payment of the newly levied sanitary cess and also the

the increase in other taxes (house, water, and lighting) due to the general revision just completed.

6. I request that in these circumstances the Hon'ble the British Resident may be kindly moved in the matter of instructing the Railway Co., to pay the taxes that have beenx withheld.

I have the honour to be,
Sir,
Your most obedient servant,

MUNICIPAL COMMISSIONER

PSK.

Forwarded with compliments.

Honorary President. 12/3

Appendix F G—1]

SUBJECT

Section ME
File No 73-37
Serial No 2

Diary No of letter replied to

No Col 1096 Ecd 1

To

The Secretary to the Hon'ble
the Resident in Mysore
Bangalore

General and Revenue Secretariat

( )

the *193*

Sir,

I am directed to forward herewith, a copy letter No Spl Rev To 404/37-3 dated 12-3-1938 received from the Municipal Commissioner Bangalore city, bringing to notice, that certain taxes due to the Municipality by the M & S M. Railway Co in respect of their buildings in Bangalore city have not been paid and to request that

Date of issue 31—3—38

Signed by Mr Mrs Sajjad Hussain

List of enclosures

Copied by

Examined by

WD 0521—GPB—30 000—12 3 37

Agent M & M Railway Company

Sir ~~May I request~~ You may kindly
addressed
be instructed to pay ~~me~~ the
~~to the Mgr~~ very early
amounts due ~~without delay~~.

I have etc

[illegible]
26/3
Surey & Sy

2/4/1- Rs[illegible]

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 30th March 31st *1938.*

No Col 1096 C1/

From

P. H. Krishna Rao, Esq., M.A.,
Secretary to the Government of His Highness the Maharaja of Mysore

To L S G. Department

The Secretary to the Hon'ble the Resident in Mysore, Bangalore

Sir

I am directed to forward herewith, a copy of letter No. Spl Rev. To. 404/37-38, dated 12th March 1938 received from the Municipal Commissioner, Bangalore City, bringing to notice that certain taxes due to the Municipality by the M.& S M Railway Company in respect of their buildings in Bangalore City have not been paid and to request that the Agent, M & S M. Railway Company may kindly be addressed to pay the amounts due to the Municipality very early.

I have the honor to be,
Sir,
Your most obedient servant,

for Secretary to Government,
L S G Department

TRM 2

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 1st July 1938 ~~193~~

No Pol 7 Ml 73-37

From

P H Krishna Rao, Esq , M A ,

Secretary to the Government of His Highness the Maharaja of Mysore

To

The Secretary to the Hon'ble the Resident in Mysore,

Bangalore

Sir

I am directed to invite reference to this office letter No.Pol 1096/Ml. 73-37 dated 31st March 1938 regarding the payment of certain taxes due to the Bangalore City Municipality by the Madras Southern Maharatta Railway Company in respect of their buildings in Bangalore City and to request ~~you to be so good as to state~~ for information whether the necessary adjustments have been effected by the Company

I have the honour to be,

Sir,

Your most obedient servant,

1/7/38

Secretary to Government,
Local Self Government Department

GRR

Aga/2

T J Pl return as above
for
1/7/38

Col 174 542 (8)

The reply to this communication should be addressed to the Secretary to the Resident in Mysore Bangalore, by designation and not by name

R Dis No F 404-38 / R O II

Pol 73-37-171

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Local Self Government Department

Dated Bangalore, the 25th July *193*8

TAXES DUE BY THE MADRAS & SOUTHERN MAHRATTA RAILWAY COMPANY, LIMITED TO THE BANGALORE CITY MUNICIPALITY

SIR,

With reference to your letters Nos Pol 1096/Ml 73-37 & Pol 7/Ml 73-37, dated the 31st March and 2nd July 1938 respectively, I am directed to forward a copy of letter from the Agent and General Manager, Madras & Southern Mahratta Railway Company, Limited, No M 2090/IV, dated the 4th July 1938 and to request that in the circumstances explained by the Agent, the Municipal Commissioner, Bangalore City, may kindly be asked to withdraw the claim for the payment of General Sanitary Cess

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT

BJ

Letter from the Agent and General Manager, Madras and Southern Mahratta Railway Company, Limited, Madras, No M 2090/IV, dated the 4th July 1938

--- O ---

TAXATION OF RAILWAY PROPERTY
AT BANGALORE CITY

With reference to your letter R Dis No F 404-38/R O II, dated 10th May 1938, calling for the views of this Administration, I have the honour to reply as follows -

"J" It is true that payments have been made to the Bangalore City Municipality on the basis of the order contained in paragraph 2 of Proceedings of the Resident in Mysore No 7166, dated 4th December 1905 In those proceedings, the principle that jurisdiction over the Railway premises having been ceded to the British Government, the Railway buildings at Bangalore City were not legally liable to be taxed under the law of the Mysore State was recognised It was also recognised, however, that the Municipality could fairly claim payment in return for the various services rendered by the Municipality and the amounts payable by this Administration for the period 1904 to 1914 were fixed as follows -

(a) House tax	Rs 900/-)	
(b) Water and Lighting tax	Rs 900/-)	Per annum
(c) Special Conservancy work	Rs 180/-)	

2 The above arrangement with a modification in the amount payable was extended for a further period of five years, i e , from 1914 to 1919, vide letter No 8717 of 27th November 1914, from the First Assistant to the Resident and my No M 2090 of 3rd September 1915 Under the modified arrangement the amount payabl was increased by Rs 321-4-10, i e from Rs 1,800/- in 1913-14 to Rs 2121-4-10 in 1914-15, the extra amount being on account of new buildings The amount of Rs 180/- paid for the years 1904 to 1914 in respect of special conservancy work was, however, excluded as the Railway had made its own arrangements for this work

3 This award was not renewed again but on its authority this Administration has continued to pay without demur, house, water and lighting taxes up to and including the half-year ending 31st December 1937, the date on which the property was handed over to the Mysore State Railway The amount paid has increased from time to time on account of construction of new buildings and additions and alterations to existing buildings

4 The following statement shows the extent to which the amount paid per year has increased

1904-05 to 1913-14	Rs 1,980/-	As per 1st award of the Resident
1914-15 to 1922-23	Rs 2,121/4/10	Increase due to new buildings Special conservancy contribution of Rs 180/- also stopped
1923-24 to 1924-25	Rs 2,222/10/3	Average
1925-26	Rs 5,239/4/4	Tax on M G buildings included
1926-27 to 1927-28	Rs 5,441/2/4	Average
1928-29	Rs 6,014/5/4	New buildings
1929-30	Rs 6,810/14/5	Increase due to levy of flat rate of Rs 3/- per building having water connections
1930-31 to 1933-34	Rs 6,877/2/-	Average
1934-35	Rs 7,424/4/8	Increase due to new buildings and arrears
1935-36	Rs 7,253/11/10	
1936-37	Rs 7,088/-/10	Less tax on Locksley Hall handed over to Mysore State Railway
1937-38 First half	Rs 3,543/-/5	

5 In 1935 for the first time the Municipality raised the question of the levy of a General Sanitary Cess and claimed on that account an additional sum of approximately Rs 1,500/- per annum In reply it was pointed out to the Municipal Commissioner

(a) that this Railway was only liable to pay on the basis of the awards of the Resident for services rendered by the Municipality

(b) that so far as Sanitary Cess was concerned, no conservancy or scavenging services were rendered to the Railway by the Municipality in return for this tax

(c) that this Railway was actually incurring an expenditure of Rs 6,000/- per annum approximately for sanitary staff and Rs 400/- towards cost of conservancy articles at this station

(d) that in the circumstances this Railway could not accept the claim for the payment of general sanitary cess

6 From the first the principle that the Railway premises are not legally taxable has been recognised, and also that the amounts paid have been in return for services rendered

7 As therefore no sanitary services are rendered and in addition the Railway has been spending a large sum annually for the maintenance of its sanitary services, I request that you will kindly move the Mysore Government with a view to the withdrawal of the claim for the payment of General Sanitary Cess

8 I would add that the Madras Government have also recognised the principle and have therefore exempted this Railway from this tax in places where the Railway has made adequate arrangements for sanitary services

9 As regards the claim of the Municipality for taxes due on enhanced rental values calculated at 6% on the cost furnished by this Administration, I have no objection to the payment of the difference in tax (exclusive of sanitary cess) between the amount already paid and that payable as the result of the adoption of the higher rental for the period from 1st July 1937, the date on which the revision took effect, to 31st December 1937, the date on which the property was handed over to the Mysore State Railway

--- O ---

"C O P Y"

SUPERINTENDENT, RESIDENT'S OFFICE

BJ

Appendix F (—1)

SUBJECT

Section ml
File No 73-37
Serial No 172

Diary No. of letter replied to

No L1205/1

General and Revenue Secretariat

( )

the *193*

To The ml Commnr, Occ[illegible], Kmo Pdy

Sir,

Date of issue 6 8 38

With reference to your letter No Spl Rev To 404/37-38 Dy 12th March 1938 re: the taxes due by the M & S M Railway Company, Ltd, in respect of the Company's buildings in Bangalore city, I am directed to forward herewith, for favour of remarks a copy of letter No M 2090/VI Dy 4th July 1938 received from the Agent & General Manager M & S M Ry Co, Ltd. Madras in the matter, this the Secy to the Hon'ble Resident in regard with his copy enclosed letter No 4 dy 25-7-38 & the favour of an early reply is requested.

Signed by

I have etc

List of enclosures

Copied by

Examined by

WD 0278—GPB—30 000—4 8 38

Secy to Govt
7/8/38

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated Bangalore 4th August 1938.

No L 1265/1 al 73-37-172

From

The *Secretary to the Government of His Highness the Maharaja of Mysore*
Local Self Government Department

To

The Municipal Commissioner, Bangalore City.

Through the President, City Municipal Council, Bangalore.

Sir,

With reference to your letter No. Spl. Rev. To. 404/37-38, dated 12th March 1938 re the taxes due by the Madras and Southern Mahratta Railway Company Ltd., in respect of the Company's buildings in Bangalore City, I am directed to forward herewith for favour of remarks, a copy of letter No. M. 2090/IV dated 4th July 1938 received from the Agent and -- General Manager, Madras and Southern Mahratta Railway -- Company Ltd., Madras in the matter through the Secretary to the Hon'ble the Resident in Mysore with his letter No. R Dis F. 404-38/R O.II, dated 25th July 1938 (copy enclosed).

The favour of an early reply is requested.

I have the honor to be,
Sir,
Your most obedient servant,

(Draft)

Secretary to Government,
Local Self Government Department

TRM.2

2010
2

14

BANGALORE CITY MUNICIPALITY

Ord 73-37-196

MUNICIPAL OFFICES

No Spl Rev To 404/37

Bangalore 15-10- *193* 8

From

S NARAYANA RAO ESQ M A (HONS.)
MUNICIPAL COMMISSIONER
Bangalore City

To P. H. Krishna Rao, Esq , M A.,
The Secretary to the Government of
His Highness the Maharaja of Mysore,
Local Self Government Department
Bangalore

SIR,

With reference to your letter No L. 1205/Ml. 73-37-172 dated 6th August 1938 calling for remarks on letter No M 2090/1V dated 4-7-1938 of the Agent and General Manager M S M. Railway Co , Ltd , Madras, regarding the taxes due by the Railway Co , in respect of the Company's buildings in Bangalore City, I have the honour to state that the request of the Company for the withdrawal of the claim for the payment of the General Sanitary Cess is not admissible as the - said cess is intended by the Regulation to meet the cost of construction and maintenance of both of public latrines and for the removal and disposal of refuse (vide Section 64 Cl (Viii) of the Municipal - Regulation) but not for specific conservancy or scavenging services rendered to the Company by the Municipality as seems to have been presumed by the Company.

I request therefore that the Company may be kindly requested to pay the amount of the General Sanitary Cess that is outstanding.

I have the honour to be,

Sir,

Your most obedient servant,

S Narayana Rao

MUNICIPAL COMMISSIONER.

Forwarded with compliments

HONORARY PRESIDENT. 15/10

PSF

15

Appendix F G—1]

SUBJECT

Section Ml
File No 73-37
Serial No 197

Diary No of letter replied to

General and Revenue Secretariat
( )
the *193*

Date of issue 23-12-38

Signed by Mr. M S H

To the Ml Comr B'ne cfg
Hrs the Pst

No L5280

Sir

Subject — Payment of taxes by the M S M Ry Co Ltd to the B'ne cfg Municipality

With reference to the correspondence ending with your letter No Spl Rev To 404/37 dated 15 10 38 on the above subject, I am directed to forward herewith a copy of Mok No 230 of 24 8 1911 issued by the Govt of India and to enquire whether the term "conservancy tax" referred to therein as the name of B'ne cfg Municipality is the same as the general sanitary cess that is now claimed by the Municipality from the Railway Co.

I have etc
2/12/14
for Secy to Govt
Ry.

Ts to please prepare a copy of flag 'L'

List of enclosures

Copied by

Examined by

WD 0278—GPB—30 000—4 3 38

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

L 5280/ml 73-37-37

Dated Bangalore 23rd December 1938.

From

The Secretary to the Government of His Highness the Maharaja of Mysore
Local Self Government Department

To

The Municipal Commissioner,
Bangalore City,
Through the President.

Sir,

Subject - Payment of taxes by the M.S.M. Railway Co., Ltd., the to the Bangalore City Municipality.

With reference to the correspondence ending with your letter No.Spl. Rev. No.404/37 dated 15th October 1938 on the above subject, I am directed to forward herewith a copy of Notification No.230 dated 24th August 1911 issued by the Government of India and to enquire whether the term "Conservancy Tax" referred to therein against name of Bangalore City Municipality is the same as the general Sanitary Cess that is now claimed by the Municipal Council.

I have the honour to be,

Sir,

Your most obedient servant,

for Secretary to Government,
L.S.G. Department.

4274 17

BANGALORE CITY MUNICIPALITY

Jud. 73-37-198

MUNICIPAL OFFICES

No R Sp No 404/38

Bangalore 16-2- *1939*

From

S NARAYANA RAO ESQ M A (HONS)
MUNICIPAL COMMISSIONER
Bangalore City

To P.H Krishna Rao, Esq , M.A ,
The Secretary to the Government of
His Highness the Maharaja of Mysore,
Local Self Government Department
Bangalore

SIR,

Subject - Payment of taxes by the M.S.M.Railway Co , Ltd., to the Bangalore City Municipality.

With reference to correspondence ending with your letter No.L. 5280/Ml. 73-37-197 dated 23-12-1938 enquiring whether the general sanitary cess now claimed from the M.S M Ry Co , is the same as the term " Conservancy cess " referred to in the copy of notification No. 230/ dated 24-8-1911 sent with your letter under advertence, I have the honour to state that the general sanitary cess is the same as the term conservancy cess referred to therein

I have the honour to be,
Sir,
Your most obedient servant,

S Narayana Rao

Municipal Commissioner

PSK

18

Jul 73-37-202

Rol 1223 d 3.4.39

To

The Secretary to the
Hon'ble the Resident in Mysore.

Sir,

Subject - Taxes due by the Madras and Southern Mahratta Railway Co Ltd., to the Bangalore City Municipality

---

I am directed to invite reference to your letter No R Dis No F 404-38/R O II dated 25th July 1938 on the above subject, suggesting that the Municipal Commissioner, Bangalore City Municipality may be asked to withdraw the claim for the payment of the general sanitary cess, ~~and to state as follows~~ -

It is seen from letter No M 2090/IV dated 4th July 1938 addressed to you by the Agent and General Manager, M S M Ry Co , Ltd , that th main arguments against the acceptance of the claim in question are ~~to the effect~~ that -

(i) the M S M Ry. was only liable to pay the basis of the award of the Hon 'ble the Resident in Mysore for services rendered by th Municipality and that the Railway premises are not legally taxable, and

(ii) so far as sanitary cess was concerned no conservancy or scavenging services were rende ed to the Railway by the Municipality in return for ~~kkaxxx~~ this ~~tax~~ Cess and that the Railway itself

was actually incurring an expenditure of Rs 6000 per annum approximately for sanitary staff and Rs 400/- towards the cost of conservancy articles at the Bangalore City Station

In regard to the first point, it may be stated that ~~no doubt~~ though the claim of the Bangalore City Municipality was first settled on the basis of an agreement and the Hon'ble the Resident in Mysore was chosen as ~~an~~ Arbitrator by both the parties to fix the amount and in 1905, he fixed the sum of Rs.1980/- per annum as a fair return to the Municipal Commission for the services rendered, and this amount has varied from time to time as admitted by the Agent himself in para 4 of his letter referred to above, ~~But later on,~~ The Govt of India later issued Notification No 230 dated 25th August 1911 declaring that the M & S M Ry shall be liable to pay in aid of the funds of the Bangalore City Municipality ~~or~~ "house, lighting, water and conservancy taxes" This notification was issued not only with a view to bring the position up to date so far as the taxes which were to be paid at that time ~~were~~ in question but also to place matters on a legal basis

In regard to the second point, it may be observed that, under Sec 135 (2) of the Indian Railways Act, a Railway Administration is liable

to pay the tax mentioned in the notification The general sanitary cess now claimed is the same as conservancy taxes mentioned in the Notification of 1911 and is intended to meet the cost of the construction ~~and~~ or maintenance, ~~of~~ construction + maintenance or both, of public latrines and for the removal and disposal of refuse, but not for specific conservancy or scavenging services rendered to the Company by the Municipality as ~~xxxx~~ seems to hav e been assumed by the Company.

In view of the foregoing facts, this Government consider that the Company is liable to pay the general sanitary cess and that the claim is legally admissible I am accordingly to request you to be so good as to move the Agent and General Manager M & S M Railway Company Ltd. to arrange forthe early adjustment of the dues in question to the Bangalore City Municipality

I have etc.,

mm 3073

Secy to Govt L S G Dept

Memo No

Dated, Bangalore, 1939

Copy w/c to the Municipal Commissioner (thro. the President) with refrence to his letter No Rev Spl. 404/38 dated the 16th Febry 1939

By Order,

Secretary to Govt L S G Dept

ACH

Kol 1223 d 3 4 39

From

P.H. Krishna Rao, Esquire, M.A.,

Local Self-Government Department.

To The Secretary to the Hon'ble the Resident in Mysore, Bangalore

TAXES DUE BY THE MADRAS AND SOUTHERN MAHRATTA RAILWAY COMPANY, LIMITED, TO THE BANGALORE CITY MUNICIPALITY.

******

Sir,

I am directed to invite reference to your letter No. R. Dis. No. P. 404-39/R.C.II dated the 20th July 1939 on the above subject, suggesting that the Municipal Commissioner, Bangalore City Municipality may be asked to withdraw the claim for the payment of the general sanitary cess.

It is seen from letter No. P. 2090/IV dated the 4th July 1938 addressed to you by the Agent and General Manager, Madras and Southern Mahratta Railway Company, Limited, that the main arguments against the acceptance of the claim in question are that

(i) the Madras and Southern Mahratta Railway was only liable to pay on the basis of the award of the Hon'ble the Resident in Mysore for services rendered by the Municipality and that the Railway premises are not legally taxable, and

(ii) so far as sanitary cess was concerned, no conservancy or scavenging services were rendered to the Railway by the Municipality in return for this cess and that the Railway itself was actually incurring an expenditure of Rs. 6,000/- per annum approximately for sanitary staff and Rs. 400/- towards the cost of conservancy articles at the Bangalore City Station.

In regard to the first point, it may be stated that though the claim of the Bangalore City Municipality was first settled on the

the basis of an agreement, and the Hon'ble the Resident in Mysore was chosen as Arbitrator by both the parties to fix the amount and in 1905 he fixed the sum of Rs. 1980/- per annum as a fair return to the Municipal Commission for the services rendered, and this amount has varied from time to time as admitted by the Agent himself in para 4 of his letter referred to above, the Government of India later issued Notification No. 830 dated the 26th August 1911 declaring that the Madras and Southern Mahratta Railway shall be liable to pay in aid of the funds of the Bangalore City Municipality " house, lighting, water and conservancy taxes ". This notification was issued not only with a view to bring the position up to date so far as the taxes which were paid at that time were in question but also to place matters on a legal basis.

In regard to the second point, it may be observed that, under section 135 (2) of the Indian Railways Act, a Railway Administration is liable to pay the tax mentioned in the notification. The " general sanitary cess " now claimed is the same as " conservancy taxes " mentioned in the Notification of 1911 and is intended to meet the cost of the construction or maintenance, or both, construction and maintenance of public latrines and for the removal and disposal of refuse, but not for specific conservancy or scavenging services rendered to the Company by the Municipality, as seems to have been assumed by the Company.

In view of the foregoing facts, this Government consider that the Company is liable to pay the general sanitary cess and that the claim is legally admissible. I am accordingly to request you to be so good as to move the Agent and General Manager, Madras and Southern Mahratta Railway Company, Limited to arrange for the early adjustment of the dues in question to the Bangalore City Municipality.

Municipality.

I have the honor to be,
S i r ,
Your most obedient servant,

Sd/- P.H. Krishna Rao

Secretary to Government,
Local Self-Government Department.

P.H.

M e m o . No. 8024 Dt. 4/4/39

Copy of the above is forwarded, with compliments, to the Municipal Commissioner, Bangalore City, through the President, City Municipal Council, Bangalore, with reference to his letter No. Rev. Spl. 404/38 dated the 15th February 1939.

By order,

T.V.B. (draft) Sd/- Sajjan Kumar

for Secretary to Government,
Local Self-Government Department.

P.H.

Appendix F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *193*

Date of issue 21-6-39

Signed by [illegible]

List of enclosures

Copied by

Examined by

Section ml

File No 73 37

Serial No 205

No Pol 1541

To The Secretary to the Hon'ble the Resident in Mysore Bangalore

Sir,

I am directed to invite reference to this office letter No Pol 1223 dt 3/4/39 in the matter of the adjustment of taxes due by the M and S M Ry Co Ltd to the Bangalore City Municipality and to request you to be so good as to state whether any reply has since been received from the Agent or General Manager of the Said Co, on the subject

WD 0278—GPB—30 000—4 3 38

The reply to this communi ti n sho ld be ddressed to Secretary to the Resident in Mysore Bangal re s by designation and not by n me

R Dis No F 404-38 / G & A

Pol 1672 26

6828

L

ML 73-37

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Local Self Government Department,
Bangalore

Dated Bangalore, the 21st June 1939

Taxes due by the Madras and Southern Mahratta Railway Company, Limited, to the Bangalore City Municipality

SIR

I am directed to refer to the correspondence ending with your letter No Pol 1223/ML 73-37, dated the 3rd April 1939

The case of the Government of Mysore is that the claim of the Bangalore City Municipality is based on the Government of India Notification No 230, dated the 24th August 1911, which was intended, according to them, to place matters on a legal basis But I am to invite attention to the subsequent enunciation of the legal position by the Government of India, which was communicated to the Government of Mysore in letter from this Residency No 7818/33-1903, dated the 7th October 1922 According to this view, the provisions of section 135 of the Indian Railways Act, 1890, when applied to railway lands in Indian States, will be inoperative

The position, therefore, is that there can be no question of the sums due or said to be due from the Railway Company to the Bangalore City Municipality being recovered as taxation, and as was pointed out in letter from this Residency No 989/33-1903, dated the 29th January 1929, thebasis for payments by the Railway Company is the services rendered to it On the question whether the present Cess relates to such services rendered, the views of the Railway Company are given in clauses (b) and (c) of paragraph 5 of their letter to this Residency No M 2090/IV, dated the 4th July

July 1938

In the circumstances, it appears to the Hon'ble the Resident that the claim of the Municipality for the payment of the Cess is neither legally admissible nor justifiable on facts The Municipal Commissioner, Bangalore City, may therefore be requested to withdraw the claim

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT

Appendix F G—1J

SUBJECT

Section mel
File No 73-37
Serial No

Diary No of letter replied to

No L 702

General and Revenue Secretariat

( )

the *193*

To The mil Commr, Bcy, Two Pds

Date of issue 18/7/39

Sir,

Signed by Mr. M. S. H

With reference to the correspondence ending with your letter no R V Spl 404/38 Dy 16 2-39, re the payment of taxes due by the M & S M Ry Co to the city mcpy, I am directed to enquire whether any services have been rendered by the city mcpy to the Ry Deptt for claiming any Cess

The matter may be kindly treated as immediate

I am etc

18/7/39

Dy Secy to Govt

& Law Deptt

List of enclosures

Copied by

Examined by

WD 0278—GPB—30 000—4 8 38

948 29

BANGALORE CITY MUNICIPALITY

No A4 169/39-40

Encl

MUNICIPAL OFFICES

Bangalore 9th August 1939

From

S NARAYANA RAO ESQ M A (HONS)
MUNICIPAL COMMISSIONER
BANGALORE CITY

To

Subrahmanya Aiyer, Esq , B A , B L ,
Secretary to the Government of
His Highness the Maharaja of Mysore
Law Department Bangalore

SIR

With reference to your letter No L 702/M1 73-37 dated 18th July 1939 enquiring if any services have been rendered by the City Municipality to the Railway Department for claiming sanitary cess, I have the honour to state that the Municipality is not rendering any sanitary service to the Railway Department except in respect of the Rest House of the Railway Department situated on the Seshadri Road

I may, in this connection, be permitted to invite kind reference to this Office letter No Spl Rev To 404/37-38 dated 15th October 1938 stating that the levy of general sanitary cess is for the construction and maintenance of public latrines and for the removal and disposal of refuse and not for specific conservancy or scavenging services rendered to the Railway Department by the Municipality

I request that in these circumstances the dues may be kindly arranged to be paid at an early date

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner

Forwarded with compliments,

Honorary President 9/8

Kas 9/8

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 1935/ml73-37 *Dated Bangalore* - 17th August 1939.

From

The Secretary to the Government of His Highness the Maharaja of Mysore
Law Department

To

The Municipal Commissioner,
Bangalore City
Sir, Through the President, Bangalore City Municipality

With reference to the correspondence ending with your letter No A4. 169/39-40 dated 10th August 1939 regarding the taxes due by the M &.S M. Railway Co., to the City Municipality, I am directed to request you to be so good as to ascertain and state whether the Mysore Railways are paying general sanitary cess to the Municipality after the transference of the City Railway Station to the Mysore Railways

The favour of an early reply is requested

I have the honour to be,
Sir,
Your most obedient servant,

(Draft)

For Secretary to Government,
Law Department

Appendix F G—1]

SUBJECT

Section ml
File No 73-37
Serial No

Diary No of letter replied to

No 21935

To The ml Commnr, Bdgs;
thro the PDn,

Sir, With reference to the Correspondence ending with your letter No A4 169/39-40 Dy 10-8 39 re the taxes due by the M & S M Ry Co to the city mcp; I am directed to request you to be so good as to ascertain & state whether the Dryporte Railways are paying general Sanycess to the mcp after the transference of the city Ry Station to the Dryporte Railways.

The favour of an early reply is requested

I have etc

2
16/11
Dorsey to Lond
Laws Dept
16/8/39

Date of issue 17/8/1939

Signed by W. M. S. H.

List of enclosures

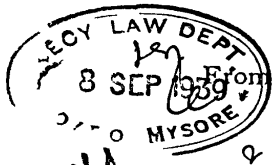
Copied by

Examined by

WD 0563—G1 B—30 (00—6 1 39

BANGALORE CITY MUNICIPALITY 1549/L 32

No A4- 169/39-40. MUNICIPAL OFFICES
Encl one two Bangalore 6-9- 1939.



From

S NARAYANA RAO ESQ M A (HONS)
MUNICIPAL COMMISSIONER
BANGALORE CITY

To

C. Subrahmanya Aiyar, Esq , B.A.,B L.,

Secretary to the Government of
His Highness the Maharaja of Mysore
Law Department, Bangalore

SIR,

With reference to your letter No L. 1935/M1 73-37- dated 17-8-1939 requesting to know if the Mysore Railways are paying general sanitary cess to the Municipality after the transfer of the City railway station to the Mysore Railways, I have the - honour to state that the Mysore Railways have not taken any - objection with regard to the payment of general sanitary cess and have accordingly paid Rs. 7300/- on 30-6-1939 towards taxes due by them after deducting 2/3rds of the lighting tax as per G.O. No. R.S. 426-43 Ry F. 80 G. 38-39 dated 8-8-1938

I enclose herein a copy of letter No 5068-69 dated 21-6-1939 from the Authorities of the Mysore Railways in this behalf together with it's enclosure for kind information.

I have the honour to be,
SIR,
Your most obedient servant,
S Narayana Rao
Municipal Commissioner

Forwarded with compliments
Honorary President. 7/9

PSK.

Letter No. 5068-69 dated 21st June 1939 from the Ag District Engineer, S.B.C. to the Revenue Officer, Bangalore City Municipality (copy of letter addressed to Superintendent, Way & Works, Mysore).

Re Municipal Taxes on Railway Buildings at Bangalore City to end of 38-39 amounting to Rs. 18169-10-1

With reference to your letter No 11116/ Fl 102/4 dated 22-5-3 I beg to forward herewith the above bill duly accepted for - Rs. 8161-0-0 as detailed in the enclosed statement for obtaining G.M's counter-signature thereto and to pass on the same to the - Auditor for arranging payment to the Municipality before 30th June 1939.

Copy.

PSK. Municipal Commissioner 7/9

Detailed statement for payment of Rs. 8,161/-

1.	Amount of the Bill.	Rs	18,169-10-1			
2.	Amount of arrears claimed up to 1-1-1938.		8,787	4-4	8,787	4 4
2.	Deduct.					
	a. Amount payable by MSM.Ry.		4,096	1-5		
	b Amount already passed in P B. No 732 of 30-7-38		3,583	0/0		
	c 2/3 of lighting charges as per G O No. RS 426-43 Ry. F 80 G. 38-39 dated 8-8-38.		250	3-1		
	Total	Rs	7,929-	4-6	7,929-	4- 6
	Balance amount of arrears payable		857	15 10	857-15-10.	
3.	Amount claimed for 38-39		9,382	5 9		
	Deduct.					
	a) amount of taxes on buildings in the sole possession of MSM Ry.		1,578-15-	0		
	b) 2/3 of lighting charges as per G O. No RS 426-43 Ry F 80G. 38-39 dated 8-8-1938.		500	6 3		
	Total	Rs	2,079	5 3		
	Balance amount payable.		7,303	0 6	7303	0 6
					8161	0 4
					or Rs 8161/-	only

NB No deduction has been made on account of the following pending further verification

1. Buildings not in existence, for the demolition of which due notice has been furnished to the Municipality.

2. Latrines etc , which appear to have been taxed along with the buildings to which they are attached and also independently.

3. The difference in water tax of 4½% and 3 % on Residential and non-residential buildings

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Copy.

PSK.

Municipal Commissioner 7/9

7741 / 2 35

BANGALORE CITY MUNICIPALITY

No A4 169/39-40

Encl

MUNICIPAL OFFICES

Bangalore 14th June 1940

From

S NARAYANA RAO ESQ M A (HONS)
MUNICIPAL COMMISSIONER
BANGALORE CITY

To

H V Narayana Rao, Esq , B A , LL B ,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
LAW DEPARTMENT, BANGALORE

SIR

RE the taxes due by the Madras and Southern Mahratta Railway Company to the Municipality

In continuation of my letter No A4. 169/39-40 dated 8th September 1939, I have the honour to state that the taxes withheld by the Company as stated in my letter No Spl To 404/37-38 dated 14th March 1938 have not yet been paid

I request therefore that the authorities concerned may be moved in the matter of arranging payment of the amount due by them before the end of this month as the official year is coming to a close

I have the honour to be,
Sir,
Your most obedient servant,

Forwarded with compliments,

H V Rao 15/6

Honorary President

S Narayana Rao

Municipal Commissioner

15/6/40

Appendix F G—1]

SUBJECT

1

Section ML

File No

Serial No

Diary No of letter replied to

No L6869

To

The ML Commr, Bcij, thro' DDG

Sir,-

With reference to the correspondence ending with your letter No A4 169/39-40 dy 14-6 40 re the taxes due by the M & S.M Ry Company to the ass mt, I am directed to request you to be so good as to state whether any amount has since been received from the said Company towards the arrears

The exact amount due under several items from the Company up to the end of ~~December~~ June 1941 may

General and Revenue Secretariat

( )

the *193*

Date of issue 5th Feb 42

Signed by Mr. G. Ramachandra Rao

List of enclosures

Copied by

Examined by

1200/2

BANGALORE CITY MUNICIPALITY

No A4-169/39-40

MUNICIPAL OFFICES

Encl

Bangalore 20th August 1942

ME 73-37-

From

ABDUL AZIZ KHAN Esq B A
MUNICIPAL COMMISSIONER
BANGALORE CITY

To

C. Narayanaswamy Naidu, Esq , B A., B.L ,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE
LAW DEPARTMENT BANGALORE

SIR

With reference to your letter No L 6868 dated 5-2-1942, requesting to intimate the exact amount of taxes due by M & S.M Railway Co , to this Municipality, I have the honour to state that a sum of Rs.4278-8-10 is due towards General Sanitary Cess and taxes by the said company as detailed below :-

GENERAL SANITARY CESS		Rs	A	P
due for 1935-36		1493	1	2
" 1936-37		1493	1	5
" 1937-38	1st half	728	6	10
" "	2nd half to the end of 1941-42	88	15	5
	Total.	3803	8	10

TAXES DUE FOR				
1935-36 and 36-37		134	0	0
37-38		341	0	0
	Total	4278	8	10

I have the honour to be,
Sir,
Your most obedient servant,

forwarded with compliments

MUNICIPAL COMMISSIONER

HON PRESIDENT.

KSM

Appendix F G—1]

SUBJECT

Section ml
File No 73-37
Serial No —

Diary No of letter replied to

No L 3243

To

General and Revenue Secretariat

( )

the *19*

The ml Commr, BCiss, Mys

Sir,

Date of issue 22.9.42

With reference to the correspondence ending with your letter No A4-169/39-40 dy 20-8-42 re the taxes due by the M & S M Railway Co, to the Cy Govt, I am directed to state that it is reported that the following taxes have been paid by the Co., to the Govt -

Signed by Mr G.R. Rao

List of enclosures

Copied by

Examined by

1935-36 — Rs 7253-11-10
1936-37 — " 7088 0-10 less tax on the Lockeley Hall branch now to the Mysore State Railway
1937-38 (First Half) Rs 3543-5-0

WD 086—GPB—40 000—30 7 40

I am therefore to enquire what are the taxes
referred to as being due for 1935-36, 36-37 & 37-38
in your letter represent.

Information may also be furnished on the following points.—

(1) Are they arrears still due?

(2) Were they not claimed previously & if so, why?

(3) How is it that the amount of the general Survey cess claims has become reduced during the years 1937-38 to 1941-42 compared with those for the years 1935-36 & 36-37?

I have etc

for Secy to Govt
Revenue & Agriculture Dept
15/9

4193/Z 41

BANGALORE CITY MUNICIPALITY

No A4-169/39-40
Encl One

MUNICIPAL OFFICES
Bangalore 7th January 1943

ML

From
ABDUL AZIZ KHAN ESQ B A
MUNICIPAL COMMISSIONER
Bangalore City

SECY LAW DEPT * GOVT OF MYSORE *

To
C. Narayanaswamy Naidu, Esq , B A , B L ,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
LAW DEPARTMENT, BANGALORE

Sir,

With reference to your letter No L 3243/ML 73-37 dated 22-9-1942 calling for certain information relating to the taxes due to this Municipality by the M & S M Railway Co , Ltd , I have the honour to enclose herein a copy of the report received from the Revenue Officer furnishing the information required in your letter under advertance

I have the honour to be,
Sir,
Your most obedient servant,

Forwarded with compliments

PRESIDENT

Municipal Commissioner

ksm

Memo No B2-Pr 188/41-42 dated 24th December 1942 from the Revenue Officer, City Municipality, Bangalore, to the Municipal Commissioner, Bangalore City

---

The amount of Rs 134/- shown as due for the years - 35-36 and 36-37 comprise of the following items and they are still due

		Rs	A	P
1	Balance due on P W Inspectors - store and workshop	10	12	10
2	Balance due on Booking Office, Eastern Extension	86	6	5
3	Balance due on Malleswaram - Railway Station	18	0	0
4	Balance due on Indian Running Room	15	12	9
5	Malleswaram Porters quarters	3	0	0
	Total	134	0	0

For the year 1937-38, I half a sum of Rs 3543-0-5 was paid by the M & S M Railway Co , out of a demand of - Rs 3884-0-5 (exclusive of General Sanitary Cess) leaving a balance of Rs 341/- for that half year and the amount is still due to be paid The amounts mentioned above are being claimed every year and they have not been paid so far

As regards the reduction in the amount of General Sanitary Cess claimed from the II half of the year 37-38 and onwards as compared with those of previous years, it is submitted that a greater portion of the Railway buildings were handed over to the Mysore State Railways from 1-1-1938, from whom the Sanitary cess is now being claimed

The amount of Rs 88-15-5 claimed as sanitary cess from II half of the year 37-38 to the end of 41-42 represents the cess due on the buildings under the control of M & S M Railway Co , from 1-1-1938

"COPY"

MUNICIPAL COMMISSIONER

43

BANGALORE CITY MUNICIPALITY

No A4 169/39

Encl —

MUNICIPAL OFFICES

Bangalore 31st May. *1945*

FROM

K SUBBA RAO Esq, B A,
MUNICIPAL COMMISSIONER
BANGALORE CITY

To

C Narayanaswamy Naidu, Esq , B A , B L ,
Legal Remembrancer and Secretary to
Government of Mysore, Law Department,
Bangalore

SIR,

In continuation of this office letter No A4 169/39 dated 12-1-1943 and 7-8-1944 in the matter of recovery of certain taxes due by the M & S M Railway, Co , to this Municipality, I have the honour to request the favour of early orders of Government in the matter The question is pending since a long time

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner

L-42 414

5-7-45-

To

The Municipal Comr

Bangalore city-

Subj - Taxes due by the M+S H Rly company to the Bangalore city Municipality-

Sir I With reference to the correspondence ending with Your letter no A 4, 169/39 dated 31-5-45, on the above subject, I am directed to enquire about what the several kinds of taxes ~~are~~ the arrears of which are due from the Railways to the Bangalore city Municipality, as on 30-6-45 and whether they have to be paid by the M+S M. Railway Company, or

No L 9811 (46)

Date 25.3.46

The Municipal Commissioner,

Bangalore City

Sir,

Subject - Taxes due by the M & S M Railway Company to the Bangalore City Municipality

I am directed to invite reference to this office letter No L 42 dated 5th Jan 1945 calling for certain information on the above subject and to request you to forward the same immediately as the same is pending for a long time & has to be disposed of early ~~as possible~~

Thanking you

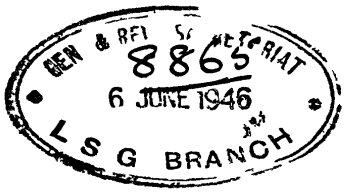
Yours etc

for Secretary to Govt
Finance Dept

CITY MUNICIPAL OFFICES
BANGALORE

Dated 4th June _1946

No A4 C 169/39-40
Encl One Statement



From

Safi Darashah, Esq , B A ,
Municipal Commissioner,
Bangalore City

To

J B Mallaradhya, Esq , M A ,
Secretary to the Government of Mysore,
Revenue Department, Bangalore

Sir,

Subject - Taxes due from M & S M Railway Co ,
and Mysore State Railways to the Bangalore
City Municipality

*****

7961

As desired in your letter No L 42 dated 5-7-1945, I have the honour to forward herewith a statement showing details of taxes due from Madras Southern Mahratta Railway and Mysore State Railway as on 30th June 1945

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner

hsr/-

Statement showing the details of taxes due from Madras Southern Mahratta Railway and Mysore State Railway as on 30th June 1945

Taxes due from M & S M Railway Company

General Sanitary cess from 1935-36 to 44-45	Rs	3,856-12-6
Taxes due for the years 1935-36, 36-37		134--0-0
-do- -do- 1937-38		341--0-0
Education cess due from 1941-42 to 44-45		19-14-0
Total	Rs	4,361-10-6

Taxes due from Mysore State Railways

1/3 Lighting tax due from 37-38 II half to 44-45	Rs	3,819--6-0
Taxes due on buildings under protest		1,556--3-0
Taxes due on buildings from the year 1941-42 to 1944-45 under protest		58--6-0
Total	Rs	5,433-15-0

Municipal Commissioner

hsr/-

L 14529 d 26 6.46 19

To The Municipal Town Mahr

Subj - Taxes due from M+S-M Railway Coy & Mysore State Railways to the Bangalore city Municipality

Sir,

With reference to the correspondence ending with your letter No Mfy C 169/39-40 dated 4-6-46 on the above subject I am directed to enquire if the authorities of the M+S M Railway Coy and the Mysore State Railways have

been addressed recently by ~~the~~ ~~Interdepartmental~~ Committee on the subject, and if so,

what replies have been received from them? otherwise action may not be taken to address them in the matter.

Yours truly

John Hobbs

Sir Reverley

51

MR SAFI DARASHAH B A

CITY MUNICIPAL OFFICES
BANGALORE

A4 C 169/39-40

Dated 12th July 1947

Dear Sir,

Referring to your letter No L 265 dated 4-7-1947 re Taxes due by the M & S M Railway Company, to the Bangalore City Municipality, I write to state that the matter is under correspondence between the Revenue Officer of this Municipality and the Company and that the former has been directed to bring it for disposal very early

Yours sincerely,

Darashah

G. Ramachandra Rao, Esq, B A,
Assistant Secretary to Government,
Revenue Department, Bangalore

Bsk

C No
Ref on Pet No } 19 —19
App No
Dis No
Enclosure Dated
Approved on
Copied on by
Examined on by
Signed on Despatched on
Entered in—
Current } Register on
Petition }
Appeal } By
Periodical
Reminded on

WD 0639—GPB—75 000—15 6 45

DRAFT

To

The

Docket Abstract

Taxes due by the M & S. M Railway Company - Mysore

Sir,

With reference to the correspondence ending with your letter no A 4-c 169/39-40 dated 12-7-47 on the above subject, I am directed to state that this matter has been pending from the year 1938. I am therefore to request that the question may be brought to final disposal without further delay and the promised report may be forwarded to the Govt within a fortnight

Yours faithfully

25/7/47

To

Rao Bahadur Dharmaprakash Esqr
Municipal Commr
Bangalore City

BANGALORE CITY, MUNICIPALITY

GEN & REV SECRETARIAT
1551 Conf
15 SEP 1947
L & G BRANCH

(53)

No A4 C 169/39-40

Encl

MUNICIPAL OFFICES,
BANGALORE CITY

Dated 11th Sep 1947

FROM

SAFI DARASHAH, Esq, B A,
MUNICIPAL COMMISSIONER,
BANGALORE CITY

To
Syed Abdul Aleem, Esq, B A,
Secretary to the Government of Mysore,
Revenue Department, Bangalore

1329

SIR,

Subjects - Taxes due from M & S M Railway Company and Mysore State Railway to the Bangalore City Municipality

---

With reference to your letter No L 14529 dated 26-6-1946 and subsequent reminders thereon, I have the honour to state that it is reported that a sum of Rs 4,507-14-4 is due to this Municipality by the Company from the year 1935-36 to 1946-47, as per details furnished in the Revenue Officer's Report No B2 P R 37/47-48 dated 26-8-1947, a copy of which is enclosed herewith together with the relative enclosures for favour of reference As the arrears are outstanding for the past twelve years, a suit will have to be filed if the matter is not settled early I request, therefore, that you will kindly cause needful orders to be issued in the matter immediately

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner

hsr/-

he

early
pality

Letter No Pol 1223 dated 3rd April 1939 from the Secretary to Government, L S G Department, Bangalore to the Secretary to the Hon'ble the Resident in Mysore, Bangalore

---

Taxes due by the Madras and Southern Mahratta Railway Company Limited to the Bangalore City Municipality

---

I am directed to invite reference to your letter No R Dis No F 404-38/R O II dated the 25th July 1938 on the above subject, suggesting that the Municipal Commissioner, Bangalore City Municipality may be asked to withdraw the claim for the payment of the general sanitary cess

It is seen from letter No M 2090/IV dated the 4th July 38 addressedto you by the Agent and General Manager, Madras and Southern Mahratta Railway Company, Limited, that the main arguments against the acceptance of the claim in question are that-

(i) the Madras and Southern Mahratta Railway was only liable to pay on the basis of the award of the Hon'ble the Resident in Mysore for services rendered by the Municipality and that the Railway premises are not legally taxable and

(ii) so far as sanitary cess was concerned, no conservancy or scavenging services were rendered to the Railway by the Municipality in return for this cess and that the Railway itself was actually incurring an expenditure of Rs 6,000/- per annum approximately for sanitary staff and Rs 400/- towards the cost of conservancy articles at the Bangalore City Station

In regard to the first point, it may be stated that though the claim of the Bangalore City Municipality was first settled on the basis of an agreement, and the Hon'ble the Resident in Mysore was chosen as Arbitrator by both the parties to fix the amount and in 1905 he fixed the sum of Rs 1980/- per annum as a fair return to the Municipal Commission for the services rendered, and this amount has varied from time to time as admitted by the Agent himself in para 4 of his letter referred to above, the Government of India later issued Notification No 230 dated the 25th August 1911 declaring that the Madras and Southern Mahratta Railway shall be liable to pay in aid of the funds of the Bangalore City Municipality "house, lighting, water and conservancy taxes" This notification was issued not only with a view to bring the position up to date so far as the taxes which were paid at that time were in question but also to place matters on a legal basis

In regard to the second point, it may be observed that, under Section 135 (2) of the Indian Railways Act, a Railway Administration is liable to pay the tax mentioned in the notification The "general sanitary cess" now claimed is the same as "conservancy taxes" mentioned in the Notification of 1911 and is intended to meet the cost of the construction or maintenanee or both construction and maintenance of public latrines and for the removal and disposal of refuse, but not for specific conservancy or scavenging services rendered to the Company by the Municipality, as seems to have been assumed by the Company

In view of the foregoing facts, this Government consider that the company is liable to pay the general sanitary cess and that the claim is legally admissible I am accordingly to request you to be so good as to move the Agent and General Manager, Madras and Southern Mahratta Railway Company, Limited, to arrange for the early adjustment of the dues in question to the Bangalore City Municipality

--

"Copy"

Municipal Commissioner

Copy of letter No R Dis No F 404-38/G & A dated 21st June 1939, from the Secretary to the Hon'ble the Resident in Mysore, Bangalore, to the Secretary to the Government of His Highness the Maharaja of Mysore, Local Self Government Department, Bangalore

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Taxes due by the Madras and Southern Mahratta Railway Company, Limited, to the Bangalore City Municipality

---

I am directed to refer tothe correspondence ending with your letter No Pol 1223/M1 73-37 dated 3rd April 1939

The case of the Government of Mysore is that the claim of the Bangalore City Municipality is based on the Government of India Notification No 230, dated the 24th August 1911, which was intended according to them, to place matters on a legal basis But I am to invite attention to the subsequent enunciation of the legal position by the Government of India, which was communicated to the Government of Mysore in letter from this Residency No 7818/33-1903, dated the 7th October 1922 According to this view, the provisions of Section 135 of the Indian Railways Act, 1890, when applied to railway lands in Indian states, will be inoperative

The position, therefore, is that there can be no question of the sums due or said to be due from the Railway Company to the Bangalore City Municipality being recovered as taxation, and as was pointed out in letter from this Residency No 989/33-1903, dated the 29th January 1929, the basis for payments by the Railway Company is the services rendered to it On the question whether the present Cess relates to such services rendered, the views of the Railway Company are given in clauses (b) and (c) of paragraph 5 of their letter to this Residency, No M 2090/IV dated the 4th July 1939

In the circumstances, it appears to the Hon'ble the Resident that the claim of the Municipality for the payment of the cess is neither legally admissible nor justifiable on facts The Municipal Commissioner, Bangalore City, may therefore be requested to withdraw the claim

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"Copy"

Municipal Commissioner

Report No B2 P R 37/47-48 dated 26th August 1947 from the Revenue Officer, Bangalore City Municipality to the Municipal Commissioner, BangaloreCity

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Submitted to the Municipal Commissioner for favour of kind perusal with reference to D O No A4 C 169/39-40 regarding the several kirds of taxes due by the M & S M Railway Company

---

In this connection the undersigned begs to state that the M & S M Railway authorities contest the payment of General Sanitary Cess and Education Cess due by them on the authority of the letter No R Dis F 404-38 G & A dated 21-6-1939 from the Secretary to the Hon'ble the Resident in Mysore, Bangalore, to the Secretary to Government of His Highness the Maharaja of Mysore, Local Self Government Department, Bangalore -The Government of Mysore have replied in their letter No.Pol 1223 dated 3-4-1939 and requested the Resident to direct the M & S M Railway authorities for the payment of the same Copies of both the letters are submitted herewith for kind perusal

The contests of the Company is not tenable under the existing law and rules The General Sanitary Cess and Education Cess are levied on all buildings and lands which are subject to Municipal Assessment irrespective of the fact that they receive any direct benefit or not Such cess is levied by the Municipality for the General cleaning of the Municipal area namely streets, drains, conservancy lanes etc , almost every day, but not a particular area belonging to a company of individual in which case a special sanitary cess is levied The Mysore Railway authorities are paying the General Sanitary Cess from the beginning without any contest as it is a legitimate cess The letter from the Resident is also clear on this point as it states that they have to pay conservancy taxes which is called sanitary cess in the Municipality Likewise this Education cess is also due from the Company from 1941-42 as per Government Order No E 1358-71/Edn195-40-2 dated 16th October 1941 This cess is also being paid by the Mysore State Railways

In view of the above, Government may kindly be requested to direct the Company through proper channel to pay the arrears up to the end of 1946-47 and also for payment of all such claims thereafter As the arrears are outstanding for the past 12 years, a suit will have to be filed immediately if the matter is not settled early Government may be asked to kindly cause the matter to be settled immediately

1 General Sanitary Cess from 1935-36 to 1944-45

Year		Amount due
1935-36	Rs	1,493-1-2
1936-37		1,493-1-5
1937-38	Ist half	728-6-10
1937-38	IInd half to 1940-41	88-15-5
1941-42		15-9-0
1942-43		15-9-0
1943-44		15-9-0
1944-45		15-9-0
	Total Rs	3,865-12-10

2 Amount of Rs 134/- shown as balance for the years 1935-36 and 1936-37 is as detailed below

		Rs
1	Balance due on P W Inspector's Store and Workshop	10-12-10
2	-do- on Booking Office eastern extension	86--6- 5
3	-do- on Malleswaram Railway Station	18-0-0
4	-do- on Indian Running Room	15-12--9
5	-do- On Malleswaram Porters quarters	3--0--0
		Rs 134-0--0

(3) For the year 1937-38 Ist half a sum of Rs 3,543/- was pai
by the M & S M Railway Company out of a demand of Rs 3,884-0
(excluding General Sanitary Cess) leaving a balance of Rs 341/
for that half year and the amount is still to be paid

		Rs
(4)	Tax and Education Cess due for the year 1945-46	87--1-8
	Education Cess	4-15-6
(5)	Balance of tax and Education Cess due for the year 1946-47	41-13-4
	Education Cess	13--5-0

(6) Education Cess due by M & S M Railway

		41-42	42-43	43-44	44-45
1	S B C 5 Weight Bridge House	0-2-0	0-2-0	0-2-0	0-2-0
2	9/New 8 Goods shed Broadguage	4-2-6	4-2-6	4-2-6	4-2-6
3	S B C 72 Waiting Shed for merchants	0-3-0	0-3-0	0-3-0	0-3-0
4	S B C 35 Gate Lodge	0-2-0	0-2-0	0-2-0	0-2-0
5	S B C 9 Single Cabin north portable	0-2-0	0-2-0	0-2-0	0-2-0
6	S B C 74 B Toolsshed for B G Train Examiner	0-3-6	0-3-6	0-3-6	0-3-6
7	S B C 75 Points Man's bunk	0-0-6	0-0-6	0-0-6	0-0-6
	Total	Rs 4-15-6	4-15-6	4-15-6	4-15-6

Total amount for the years from 41-42 to 44-45 Rs 19-14-0

Abstract

Item No	1	Rs 3,865-12-10
Item No	2	134--0--0
Item No	3	341--0--0
Item No	4	92--1--2
Item No	5	55--2--4
Item No	6	19-14--0
	Grand Total	4,507-14--0

Municipal Commissioner

Proceedings of the Government of His Highness the Maharaja of Mysore

Read-
Letter No E E A1 19-12-41-42 dated 9th May 1941 from the Director of Public Instruction in the matter of the levy of additional education cess --

ORDER NO E 1358-71/Edn 195-40-2 dated, Bangalore, the 16th October 1941

The Special Committee on Elementary Education considered the financial implications involved in connection with the opening of 1000 new primary schools in a period of four years, the employment of additional inspecting agency, the increase of staff and improvement of equipment of the existing schools, the payment of of grants to villagers for putting up cheap buildings etc ,and recommended that an additional education cess of three pies in the rupee be levied on all items of land, excise and forest revenues, on which local cess is now levied, and an education cess of one anna in the rupee on certain items of Municipal Revenue viz

I Taxes on buildings and lands,
II Taxes on vehicles and animals,
III Professional tax

and that Government may contribute a sum equal to the realisations and from the levy of the above cess Some members of the Committee were of the opinion that an education cess of two annas per rupee may be levied on Municipal items of revenue

2 The elementary education act of 1941/VI was passed in the Legislative Council Session of January 1941 for implementing the recommendations of the above committee In this act the maximum rate at which the education cess or additional education cess could be levied has been fixed as noted below

	Particulars	Rate of levy
1	Items on which local cess is now levied	Three pies in addition to the present rate of levy so as not proceed a total of nine pies in the rupee
ii	Municipal Revenue and District Board Revenue tax on buildings and lands, taxes on vehicles and animals, Professional Tax	Two annas in the rupee

As a first step towards the opening of 1000 new primary schools in a period of four years, sanction has been accorded, this year, for the opening of 250 new primary schools As recommended by the Committee the jurisdictions of Assistant Inspectors have been redistributed so that an Assistant Inspector may have only about 100 Primary Schools under his charge This has resulted in the increase of the inspecting staff by twenty one additional Assistant Inspectors Besides the above, the cost on account of training of teachers, repairs to schools buildings and equipment to existing primary schools, will be considerable The revision of scales of pay of primary school teachers involving an extra average cost of Rs 1,92,324 has also been sanctioned A sum of about Rs 40,000 is required this year for this purpose The total cost in respect of the above has been estimated to amount to about Rs 4 5 lakhs The Director has therefore recommended the levy of an additional education cess of three pies in the rupee, on those items on which local cess is now levied, and of an education cess of two annas

in the rupee on Municipal and District Board Revenue as laid down the Elementary Education Act of 1941

In deference to the representations made in the Representative Assembly Session of September 1940 (Dasara) and in the Legislative Council Session of January 1941, Government agreed not to levy any increased cess on Raitwari Assessment, until economic conditions improve

At present twenty five Municipalities are levying education cess at rates ranging from three pies to one anna and seventy seven Municipalities are also paying contributions towards Primary Education in pursuance of Government Order No 11 20/L F 116-93 dated 12-10-1894 The amount in the former case is about Rs 2,000 and in the latter about Rs 14,770/- per annum Government consider that the levy of this cess and the recovery of these contributions will not be equitable after a uniform levy of education cess is introduced in all the Municipalities, as otherwise there will be inequality in the level of taxation and want of uniformity

With a view to meet the increased expenditure, in respect of Primary education, it is found necessary to resort to the levy of additional education cess as recommended by the Special Committee on Elementary Education

By virtue of the powers vested in them under section 9 of the New Elementary Education Act of 1941, Government are pleased to direct -

1 That an additional education cess at three pies per rupee in addition to the present levy of 6 pies in the rupee be levied on items of Land Revenue other than Raitwari Assessment, Land Revenue Miscellaneous, Excise, and Forest Revenues on which local cess is levied

ii That an education cess oftwo annas in the rupee be levied on the items of Municipal Revenues noted below -

a) Tax on buildings and lands and (b) Professional Tax

iii That with the levy of the new education cess referred to above, the existing contributions paid by those Municipalities under the Government order dated 12-10-1894 in lieu of Mohatarfa transferred and the education cess now being collected by some Municipalities at varying rates will cease

It is contemplated to levy education cess on only revenues forming part of taxes as mentioned in the Act There will be item of District Board Revenue on which education cess could be levied

iv That the levy of the cesses referred to above be given effect to from this year viz , 1941-42

The Revenue Commissioner and the Deputy Commissioners of Districts are requested to take necessary action for the levy of the cess as indicated above and to submit a report to Government at the end of July 1942 as to the demand under the several heads and the amount actually realised Separate orders will issue in regard to the levy of education cess, in the Kolar Gold Fields Sanitary Board area

Sd/
For Secretary to Government

"Copy"

Municipal Commissioner

Immediate

L 13397 / 11-2-48

To

The Municipal Commr Bangalore city

(Through the President)

Subj Taxes due from M&SM Railway Company and to the Bangalore city Municipality

Sir,

With reference to the correspondence ending with your letter No A4-c 162/39-40 dated 11-8-47 on the above subject I am directed to state that the point for consideration is whether the claims of the Bangalore city Municipality for sums due as taxes from the M&SM Railway Company are irrecoverable under section 135 of the Indian Railways Act.

It will be seen from the correspondence that the whole claim was based on agreement and award by the Resident which was later on not continued after the lapse of the period mentioned in the award. It is also seen that the award restricted itself to house, lighting and water and conservancy taxes to just

It was on a statutory basis, a notification was issued by the Government of India, under section 135 of the Indian Railways Act. It is clear that the Railway Administration is liable to pay taxes mentioned in the Notification issued under the above Act.

So long as no modification of the meaning of the term 'Local Authority' is effected by an enactment, the provisions of Section 135, when applied to Railway lands in Indian States will be inoperative.

It is also seen that the M.S.M. Railway Company continued to pay the taxes till 1937; on the basis of the services rendered to it.

In these circumstances, the Company cannot in fairness, refuse payment for services rendered even though they are not strictly enforceable. Government consider that in the first instance, action may be taken to open negotiations with the State to urge for payment being made for 'services rendered and accepted'.

Yours faithfully,

for Revenue Secy.
4/2/48.

Mh 10-08-178

No A4 C 634/48-49 Two

CITY MUNICIPAL OFFICES,

Bangalore, dated 3rd May 1949

FROM

SAFI DARASHAH, Esq, B A,
MUNICIPAL COMMISSIONER,
BANGALORE CITY

To

MIR SAFDAR HUSSAIN, Esq, B A,
Secretary to the Government of Mysore,
General Department,
BANGALORE

SIR,

With reference to your letter No L 13397 dated 11-2-48 and subsequent reminder No, L 10662 dated 21-3-49, I have the honour to state that the General Manager, M & S M Railway in his letter No M 2090/IV dated 23-12-48 agreed to pay half sanitary Cess on the authority of an extract of G O No 330 L A of 25-2-1948 containing the formula as accepted by the Madras Government and the Government of India regarding levy of General sanitary cess and they have not consented to the payment of arrears and current education cess of Rs 51-7-6 as they are not getting any educational service from this Municipality The Municipal Council held on 18-4-49 approved that half of the sanitary cess be collected from the Railway authorities and the other half of the sanitary cess and the entire education cess be waived In this connection I write to state that a sum of Rs 3965-0-6 is due towards sanitary cess from the year 1935-36 to 1947-48 and an education cess of Rs 51-7-6 from the year 1941-42 to 1947-48 I request that sanction of Government may be obtained to waive half sanitary cess i e, Rs 1982-8-3 and education cess of Rs 51-7-6 A copy of the Council resolution dated 18-4-49 and also the copy on extract of Government Order No 330 L A of 25-2-1948 containing the formula

P T O

formula as accepted by the Government of India and the Madras Government are herewith enclosed for your reference

Yours faithfully,

MUNICIPAL COMMISSIONER

Forwarded with compliments

HONORARY PRESIDENT

rs/

Copy of G.O. No. P3.330, Local Administration Department,
Dated 25th February 1948.

Subject - Tax - Local and Municipal - Railway Administrations Principles - Laid down.

The question of the taxation of Railway properties by Municipal Councils and Local Boards in this Province has been under correspondence between this Government and the Government of India for some time past and in the connection this Government expressed the view that the general principles of taxation applicable to private properties and the properties of the Provincials Government should be followed in the taxation of the Railway properties. The Government of India did not accept this view They stated that, as the power to impose tax on railway administration vested only in them, it was entirely for them to decide under what circumstances the tax would be justifiable. This Government urged that, the the Central Government had a discretion to notify or not to the liability of a Railway Administration to a local or Municipal Tax, the Central Government might issue the notification as a matter of policy without imposing any conditions designed to secure for the railway administrations any reduction in the amount payable to the local authorities and that the railway administrations might be left to obtain in deserving cases exemptions from the tax under the local law The Government of India do not agree to issue the notification as a matter of policy but have stated that no conditions designed to secure for the Railway Administrations any reduction in the amount payable to the local authorities would hereafter be imposed before notifying the Railway administrations liable to a local or municipal tax

2 As the power to notify the liability of the Railway Administrations to local taxation is thus vested in the Central Government, this Government considered it expedient to arrive at an agreed formula for the taxation of railway properties based on the services rendered to the railways by Local bodies and accordingly suggested the following formula which the Government of India have accepted and which may be adopted by the local bodies as a guiding factor in the matter of taxation of Railway Properties -

Water and Drainage Tax -

(a)	here a railway administration derives no direct benefit	1/3 of the tax
(b)	Where a Railway administration derives only partial benefit	1/2 of the tax
(c)	Where a Railway administration derives full benefit.	Full tax.

Scavenging Tax

(a)	Where a Railway Administration has made efficient arrangements of its own for the daily removal and disposal of rubbish, filth etc , from its premises	No Tax
(b)	Where the railway administration has made arrangements for removal of filth etc , but where the local authority is responsible for its final disposal.	One half of the tax

Lighting Tax -

(a)	Where the Railway administration does not take power from the local authority for lighting its premises and where the roads leading to the Railway station are also not lit by the local authority.	No tax.
(b)	Where the Railway administration does not take power from the local authority for lighting its premises, but the roads leading to the Railway Station are lit, by the local authority.	Half the Tax.
(c)	Where the Railway administration takes power from the local authority for lighting its premises.	tion to the charges for energy consum

3. Local bodies will not hereafter be required by the Government of India to join with the Railway administrations concerned and apply to the District Judge to fix an agreed lump sum payment in lieu of the taxes. But they should take steps to give effect to the formula mentioned in paragraph 2 above in consultation with the Railway Administrations concerned. Unless a satisfactory agreement is reached between the Local authority and the Railway administration in this regard, the Railway administration will have the option to refer their case of taxation to an officer (the District Judge) appointed under section 3 (2) of the Railway (Local Authorities Taxation) Act, 1941.

"COPY"

I Ammadaram -

MUNICIPAL COMMISSIONER

PROCEEDINGS OF THE MEETING OF THE COUNCIL DATED 18-4-1949

64 Opinion of the Managing Committee dated 5-4-1949 that only half the Sanitary Cess be collected from the M & S M Railway Authorities and that the other half of the Sanitary Cess and the Education Cess be waived

Resolution - APPROVED

Sd R SUBBANNA
Honorary President

"COPY"

for MUNICIPAL COMMISSIONER

G R S App F VI—G 2]

SUBJECT

4 Copies

Diary No of letter replied to 8518/mk

General and Revenue Secretariat

( )

the *194*

Date of issue 17-6- 1949

Signed by Sd/- [illegible]

Section MK

File No 10-C8

Serial No 179

Proceedings of the Government of His Highness the Maharaja of Mysore

Read— Correspondence ending with Letter No A 4 C 634/48 49 dated 3-5-49 from the Municipal Commissioner Bangalore City Municipality forwarding for Sanction the Resolution dated 18-4-49 of the Municipal Council agreeing to the Order thereon—No Suggestion of the General Manager, M & S.M Railways that only half the Sanitary Cess be Collected from the M & S M Railway based on the formula accepted by the Madras Govt and the Govt of India Regarding

May this be—

(i) printed ?

(ii) treated as a Standing Order ?

(iii) published in the Gazette English Part ?

(iv) tran lated ?

(v) placed at the disposal of the Press ?

(vi) published in the Gazette Kannada Part ?

levy of general Sanitary Cess as their order No 330 L A dated 25 2 48, the other half of the Sanitary Cess for the period from 1935-36 to 1947-48 amounting to Rs 1,982-8-3 and the Education Cess of Rs 51-7-6 for the period from 41-42 to 47-48 being waived

Order No L 14495-6-1 Rel 10-Dec-179
17/6/48

The above Resolution of the Municipal Commissioner is approved. Necessary action may be taken immediately to have the dues adjusted without further delay

List of Enclosures

for Genl Secy.
16/6/48

To

1) The Commissioner B'lore City Rly (through the president)
2) " Comptroller to Govt
3) Copy to the Railway Branch

Copied by

Examined by

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

R e a d:-

Correspondence ending with letter No.A4.C.634/48-49 dated 3rd May 1949 from the Municipal Commissioner, Bangalore City Municipality forwarding for sanction the resolution dated 18th April 1949 of the Municipal Council agreeing to the suggestion of the General Manager, M & S.M. Railways that only half the Sanitary Cess be collected from the M.& S.M. Railway based on the formula accepted by the Madras Government and the Government of India regarding levy of general Sanitary Cess in their Order No.330 L.A. dated 25th February 1948, the other half of the Sanitary Cess for the period from 1935-36 to 1947-48 amounting to Rs.1,982/8/3 and the education cess of Rs.51/7/6 for the period from 1941-42 to 1947-48 being waived.

******

ORDER NO.L.14495-6/Rel 10-68-179

Dated, Bangalore, the 17-6-49

The above resolution of the Municipal Council is approved. Necessary action should be taken immediately to have the dues adjusted without further delay.

For Secretary to Government,
General Department.

To

The COmmissioner, Bangalore City Municipality (through the President)

" Comptroller to Government.

"